

**REPORT TO ENVIRONMENTAL
REVIEW COMMISSION
CONCERNING PUBLIC MEETINGS
ON THE TROUT WATERS
RECLASSIFICATION IN BOYLSTON
CREEK WATERSHED**

January 2011

**Prepared by
Department of Environment and Natural Resources**



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INTRODUCTION

The NC Environmental Management Commission (EMC) adopted a change to the French Broad River Basin Rule 15A NCAC 02B .0304 to reclassify the portion of Boylston Creek, from its source to a point upstream of Murray Branch, and all tributaries to this portion of the creek to Class C Trout waters¹, on March 12, 2009. Class C and Trout water standards for the protection of natural trout propagation are promulgated in Rule 15A NCAC 02B .0211. These rules are implemented by the Division of Water Quality (DWQ) in the Department of Environment and Natural Resources (Department). Once waters are classified as Trout waters, the NC Sedimentation Pollution Control Act of 1973 requires those waters to have an undisturbed buffer zone of 25 feet wide to confine visible silt (sediment) within 25 percent of the buffer zone nearest the land-disturbing activity². The Department's Division of Land Resources (DLR), which has no role in the classification of the waters, is responsible for the implementation of the Sedimentation Pollution Control Act and has codified buffer zones along trout waters in Rule 15A NCAC 04B .0125.

Implementation of these rules is intended to sustain reproduction of the trout, now and into the future, by preventing pollutants and sediment from entering these waters, providing shade to keep the water temperature cool and making sure that there is food, adequate dissolved oxygen, and proper habitat for trout survival and reproduction. The NC Rules Review Commission approved the adopted rule change on April 19, 2009 and received written objections from at least 10 people requesting a review of the adopted rule change by the NC General Assembly in accordance with state's Administrative Procedures Act.

In July 2010 the NC General Assembly passed Session Law 2010-157 (Senate Bill 1259) (*Appendix I*), which requires the Department to provide for at least two public meetings on the adopted rule change for Boylston Creek no later than January 1, 2011. The law also requires the Department to report to the Environmental Review Commission of the NC General Assembly on those public meetings no later than January 15, 2011. The following is a report regarding the public meetings.

¹ Trout Waters are "waters which have conditions which shall sustain and allow for trout propagation and survival of trout on a year-round basis." 15A NCAC 02B .0202(65)

[http://portal.ncdenr.org/c/document_library/get_file?folderId=285750&name=DLFE-8513.pdf]

² N.C.G.S 113A-52(6) –land disturbing activities mean "any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

PUBLIC MEETINGS SUMMARY

The Department's Divisions of Water Quality and Land Resources held joint public meetings in Mills River and in Brevard on October 26, 2010. Public meeting materials were distributed to the public prior these meetings (*Appendix II*). Both meetings were moderated by Eric Caldwell, the Transylvania County Extension Director. At each meeting the divisions presented information on trout waters classification and associated regulations (*Appendices III and IV*). The sign-in sheets for these meetings are included in Appendices V and VI. After the presentations, the facilitator conducted a question and answer session to allow responses from DWQ, DLR and Wildlife Resources Commission staff to questions raised about the trout waters reclassification process and trout waters regulations for Boylston Creek by the meeting attendees.

Attendees were asked to submit written questions during the break and the questions were read to the Department panel members by the moderator for responses. Those questions and responses have been summarized for this report (*Appendix VII*). Following the question and answer session, the Department heard verbal comments from the meeting attendees. An audio recording of each meeting has been made and is being submitted with this report.

Approximately 209 people attended these meetings with 22 people making verbal comments. Of the verbal comments on the reclassification, four (18 percent) were in support and 18 (82 percent) were opposed. The afternoon Mills River meeting featured a balance of views both opposing and supporting the reclassification, including all four verbal comments in favor of the reclassification. The sentiment of the larger evening meeting in Brevard was decidedly against the reclassification with all verbal comments in opposition. Two of those attendees, which verbally opposed the reclassification also sent a written statement of opposition, which is included in Appendix VIII.

There were approximately 175 written comments (*Appendix VIII*) received during the comment period, which ran from October 15, 2010 to November 9, 2010. Of these, approximately nine percent (16) were opposed and approximately 91 percent (159) were in favor. Thus, of the total 197 written and verbal comments received, approximately 17 percent (34) were opposed to the reclassification and approximately 83 percent (163) were in support. Approximately one-third (12) of those comments opposing the reclassification are from people living or owning property on Boylston Creek.

In general, the concerns raised by those in opposition to the reclassification of the creek stemmed from the belief that the trout waters buffer requirements: 1) infringe on personal, private property rights, and 2) constitute a "taking" of adjacent privately owned land by eminent domain without compensation. Some of the private property owners along the Boylston Creek waters described themselves as being good stewards of these waters and questioned the need for the reclassification.

Of those supporting the reclassification, many noted that they are in favor of the buffer requirements to protect the quality of the waters within the Boylston Creek watershed and the

trout the waters they support. Several comments indicated that the buffer rules do not cause undue hardship on property owners. Many in support of the reclassification noted that the buffer would maintain the high quality of the trout waters, prevent increased sedimentation of the trout waters from development, and increase the value of private property along trout waters. A few of the comments noted that the trout waters regulations are mandated by the federal Clean Water Act. A few of comments included the following statement "Declassifying Boylston as a trout stream could establish a dangerous precedent that is contrary to the Clean Water Act and restricts DENR's ability to be proactive in protecting water quality."

Department staff continues to work with Transylvania County officials and residents to improve public participation in and understanding of reclassification of surface waters throughout the state. Working with Eric Caldwell, Cooperative Extension Director for Transylvania County, staff is planning an informational and brainstorming session in late January 2011 with local officials and residents to identify ways of improving the process.

APPENDIX I. SESSION LAW 2010-157 (SENATE BILL 1259)

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

SESSION LAW 2010-157 SENATE BILL 1259

AN ACT TO DELAY THE EFFECTIVE DATE OF THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK AND TO PROVIDE FOR ADDITIONAL OPPORTUNITIES FOR PUBLIC DISCUSSION OF THE RULE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 150B-21.3, French Broad River Basin Rule 15A NCAC 02B .0304, as adopted by the Environmental Management Commission on March 12, 2009, and approved by the Rules Review Commission on April 16, 2009, is effective July 1, 2011. Nothing in this act restricts the authority of the General Assembly to take further action on this issue, either as to the substance of the Rule or its effective date.

SECTION 2. No later than January 1, 2011, the Department of Environment and Natural Resources shall provide for at least two public meetings on French Broad River Basin Rule 15A NCAC 02B .0304, as adopted by the Environmental Management Commission on March 12, 2009, and approved by the Rules Review Commission on April 16, 2009, in the vicinity of the area to be affected by the adoption of the Rule. The purpose of the public meetings is to provide information on the operation of the Rule, including what activities would be allowed and what activities would be prohibited by operation of the Rule.

SECTION 3. No later than January 15, 2011, the Department of Environment and Natural Resources shall report to the Environmental Review Commission regarding the public meetings required by Section 2 of this act.

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 9th day of July, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 3:15 p.m. this 22nd day of July, 2010



APPENDIX II. MATERIALS FOR NCDENR PUBLIC MEETINGS ON THE
TROUT WATERS RECLASSIFICATION IN THE BOYLSTON CREEK
WATERSHED

Beverly Eaves Perdue, Governor



Dee Freeman, Secretary

N.C. Department of Environment and Natural Resources

Release: Immediate
Date: Oct. 15, 2010

Contact: Susan Massengale
Phone: (919) 807-6359

Learn About Trout Water Reclassification in the Boylston Creek Watershed during Oct. 26 Meetings

RALEIGH – State environmental officials will share information with the public about water quality protections for the Boylston Creek watershed trout waters during two meetings on Oct. 26.

The first meeting will begin at 1 p.m. in the Mills River Community Center, 120 School House Road in Mills River. That evening at 7 p.m., a second meeting will be held at the Transylvania Court House, 7 East Main St. in Brevard. Staff from the Division of Water Quality and the Division of Land Resources will provide information to those who own property along the waterways in the Boylston Creek watershed, located in Transylvania and Henderson counties in the French Broad River basin, about the requirements of the trout water classification, including which activities are approved and which are prohibited.

Participants in the meeting will have an opportunity to ask questions and to submit comments about the classification. Those who wish to submit comments in writing may do so at the meetings or by sending them to Adriene Weaver, DWQ Classifications and Standards Unit, 1617 Mail Service Center, Raleigh NC.; or to Adriene.weaver@ncdenr.gov. Please submit comments by Nov. 9. A report from the meeting, including public interest and comments, will be provided to the General Assembly's Environmental Review Commission.

Waters that are classified by the state Environmental Management Commission as trout waters sustain and support trout propagation and survival on a year-round basis. Requirements of the rule protect the trout fisheries resource by reducing pollutants and sediment to the creek, providing shade to keep the water temperature cool and ensuring that there is food and proper habitat for trout survival and reproduction. The trout classification does not provide public access to private property and does not regulate fishing activities handled by the N.C. Wildlife Resources Commission such as bait or lure requirements, size restrictions or creel limits.

The Environmental Management Commission approved the trout waters classification for the Boylston Creek watershed in March 2009. Implementation of the classification has been delayed until July 2011 to allow time for additional public information and comment.

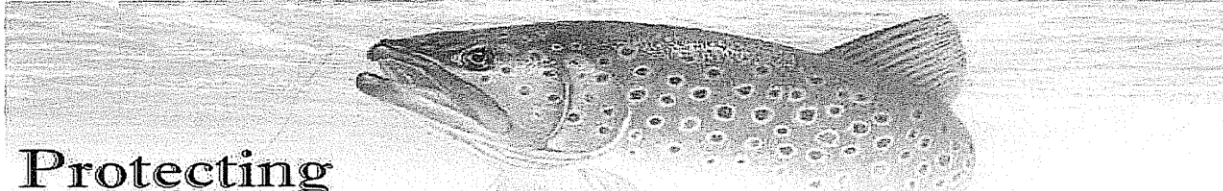
Additional information about the trout designation – including a map of the Boylston Creek watershed, a fact sheet about protecting trout waters and a copy of Session Law 2010-157 – is available on the Division of Water Quality website at: <http://portal.ncdenr.org/web/wq/event-calendar>.

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Diana Kees, Communications Director
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1601 Mail Service Center, Raleigh, NC 27699-1601

diana.kees@ncdenr.gov
Facebook: <http://www.facebook.com/ncdenr>
RSS feed: <http://portal.ncdenr.org/web/opa/news-releases-rss>
Twitter: <http://twitter.com/NCDENR>

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Protecting TROUT WATERS

of North Carolina

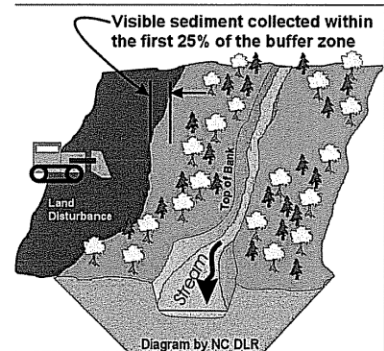
Trout Waters (Tr) Classification

Trout waters are defined in the Environmental Management Commission Rule (15A NCAC 2B .0202) as "waters which have conditions which shall sustain and allow for trout propagation and survival of stocked trout on a year-round basis". All named and unnamed tributaries to trout waters usually carry the trout waters classification. This classification does not and is not intended to provide public access to streams for fishing on private and public lands and does not regulate, in any way, fishing activities (seasons, size limits, creel limits, and bait and lure restrictions) handled by the NC Wildlife Resources Commission.

Trout Buffer Law

The Sedimentation Pollution Control Act of 1973 requires buffer zones along trout waters. G.S. 113A-57(1) of this Act says:

"Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the Sedimentation Control Commission may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance is temporary and the extent of said disturbance would be minimal."



Why a Trout Buffer?

By law, buffers are required on trout waters regardless of the size of land disturbance. Trees, left undisturbed, provide protection for waters that support trout populations. Buffers have many benefits, including:

- Capturing pollutants in runoff to keep the water clean.
- Capturing sediment to keep mud out of the water.
- Providing shade to keep waters cool.
- Providing leaves and sticks for aquatic insects, which serve as a food source for fish and other aquatic life.
- Providing logs and branches that serve as habitat and feeding areas for trout and aquatic insects.
- Keeping stream banks stable.
- Preventing erosion.

Trout Buffer Requirements

Division of Land Resources ("DLR") Rule 15A NCAC 04B .0125 specifies the following requirements for buffer zones for trout waters that must be met:

- The (minimum) 25-foot buffer must be measured horizontally from the top of the bank.
- A land-disturbing activity in the buffer zone adjacent to trout water can be permitted if the duration of the disturbance is temporary and the extent of the disturbance is minimal. Permission must be received from DLR (contact on back).
- To be considered minimal, a land-disturbing activity must meet two conditions. (1) The land-disturbance must be limited to a maximum of ten percent of the total length of the buffer zone on your property. (2) There must not be more than 100 linear feet of disturbance in each 1000 linear feet of buffer zone. For example, if there is 750 linear feet of buffer zone on your property, up to 75 linear feet of that buffer can be disturbed. If there is 1500 linear feet of buffer zone on your property, you are still limited to 100 linear feet of disturbance in any 1000 linear foot section along the stream. Please check with the appropriate Regional Office (contact information on back) to verify that the proposed activity is minimal.
- If the disturbance will exceed 10 percent or 100 linear feet in every 1000 linear feet, approval for the disturbance must be obtained from the Director of the DLR. Please submit your trout buffer variance request through the DLR Central Office. (Contact information on back).
- A land-disturbing activity within a buffer zone adjacent to trout water that will cause adverse stream temperature fluctuations, as set forth in 15A NCAC 2B .0211, is prohibited.

May 19, 2009



North Carolina Department of Environment and Natural Resources

**Boylston Creek Classification to Trout Waters Public Information Meetings
Tuesday, October 26, 2010**

**Mills River Community Center
120 Schoolhouse Road
Mills River, NC 28759
1-4 P.M.**

**Transylvania Courthouse
7 East Main Street
Brevard, NC 28712
7-10 P.M.**

Agenda

- Welcome/ Introductions
- Meeting: Purpose, Reason and Objectives
- DENR-Division of Water Quality Presentation on Trout Waters Classification of Boylston Creek
- DENR-Division of Land Resources Presentation on North Carolina's Trout Buffer
- Break
- Question and Answer Session
- Comments as Time Allows

For questions about the agenda, please contact: Adriene Weaver at (919) 807-6414

APPENDIX III. NCDENR DIVISION OF WATER QUALITY
POWERPOINT PRESENTATION: BOYLSTON CREEK TROUT WATERS
CLASSIFICATION

Boylston Creek Trout Waters Classification



Photo Courtesy of NCWRC



Public Information Meetings
October 26, 2010



Mills River and Transylvania Co., NC

Outline

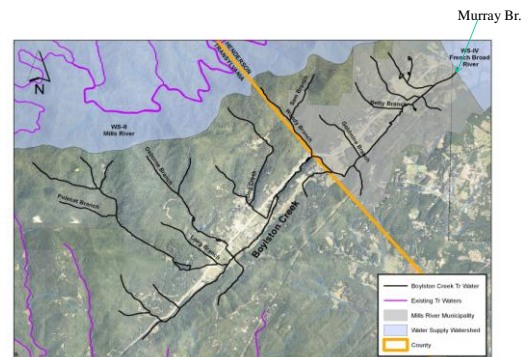
- DWQ Trout Waters Classification
- Steps taken to add the Trout Waters Classification to Boylston Creek
- Protections for Trout Waters
- NC Legislature Requirements
- Next Steps

DWQ Trout Waters Classification



Protects water quality for trout in fresh surface waters to support natural trout reproduction

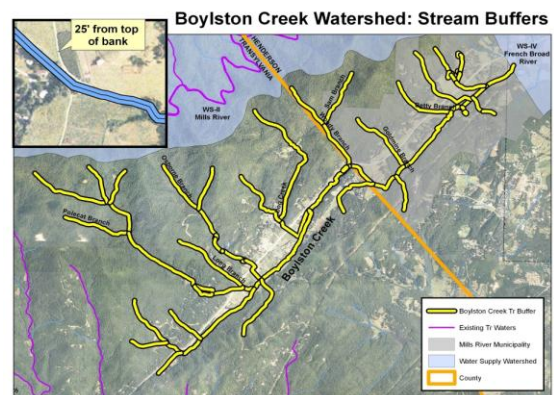
Steps taken to add the Trout waters classification to Boylston Creek



Protections for Trout Waters

- DWQ Water quality standards
 - dissolved oxygen
 - temperature,
 - turbidity (sediment)
 - toxic substances
- DLR Stream buffer

Stream Buffer Benefits



NC Legislature Requirements for Boylston Creek Trout Waters Classification

Session Law 2010-157

- Delay the effective date of Tr Waters classification (July 1, 2011)
- Hold at least 2 public meetings by DENR
- DENR must report to the Legislature's Environmental Review Commission

Next steps

- DENR will accept written comments no later than 5:00 P.M. Nov. 9, 2010

Adriene Weaver
DENR-Division of Water Quality, Planning Section
1617 Mail Service Center
Raleigh, North Carolina 27699-1617
Adriene.weaver@ncdenr.gov

- Comments after Nov. 9, 2010 to your Senator or Representative

Next steps

- DENR report to the Legislature's Environmental Review Commission by Jan. 15, 2010
- Classification effective July 1, 2011

APPENDIX IV. NCDENR DIVISION OF LAND RESOURCES
POWERPOINT PRESENTATION: TROUT BUFFER REQUIREMENTS FOR
LAND ADJOINING WATERS CLASSIFIED AS TROUT WATERS



Trout Buffer Disturbances

Why a Trout Buffer

- Capturing pollutants in runoff to keep the water clean.
- Capturing sediment to keep mud out of the water.
- Providing shade to keep waters cool.
- Providing leaves and sticks for aquatic insects, which serve as a food source for trout

Why a Trout Buffer

- Providing logs and branches that serve as habitat and feeding areas for trout and aquatic insects.
- Keeping stream banks stable.
- Preventing erosion.

When is the SPCA Triggered?

- When a land disturbing activity takes place.
- A land-disturbing activity means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.” (G.S. 113A-52(6))

Exemptions from the SPCA

- Agriculture
- Forestry activities that follow Forest Practice Guidelines
- Mining (By Permit)
- Activities essential to protect human life during an emergency

The Law

Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide

The Law

or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater.

The Law

Provided, however, that the Sedimentation Control Commission may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal.

The Law

The minimum undisturbed buffer may be greater than 25 feet but no less.

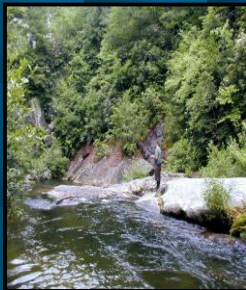
Only applies to those streams that are classified as trout streams by the Environmental Management Commission. All tributaries to those streams (named and unnamed) take on the trout classification.

The Law

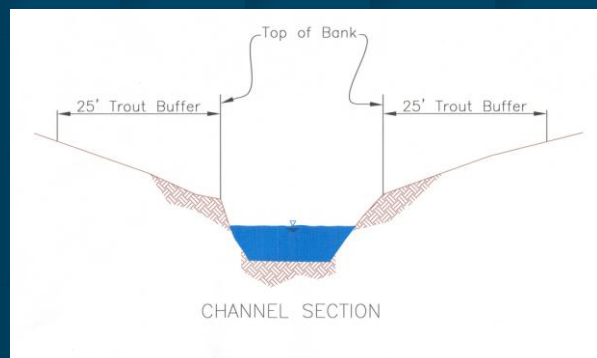
The Sedimentation Control Commission can allow trout buffer zones to be disturbed if the disturbance is temporary and minimal.

The trout buffer requirement has been in the SPCA for over 20 years.

The Rules



- The 25 foot trout buffer zone shall be measured horizontally from the top of bank.



The Rules

- The disturbance is temporary and minimal when the disturbance is limited to a maximum 10% of the buffer zone within the tract such that no more than 100 linear feet of disturbance occurs in every 1000 feet of buffer zone.

The Rules

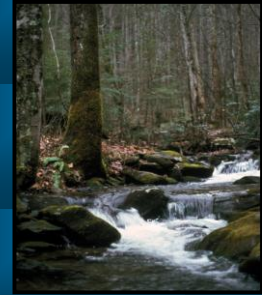
- Example: If the tract has 5000 linear feet of buffer zone then the total amount of buffer zone that can be disturbed is 500 feet. However, the 500 feet can not be a continuous 500 feet. Only 100 feet in every 1000 feet can be disturbed.

The Rules

- Longer lengths of the buffer zone may be disturbed with the approval of the Division of Land Resources Director. In other words, if more than 10% of the stream and/or more than 100 feet in 1000 feet of stream is proposed to be disturbed then it requires Director approval. This approval has been delegated to the State Sedimentation Specialist within Land Quality.

Variance Request

- If someone wants to disturb more than allowed by the rules, they must submit a variance request to the Land Quality Section in Raleigh.



Variance Request

The request shall include the following:

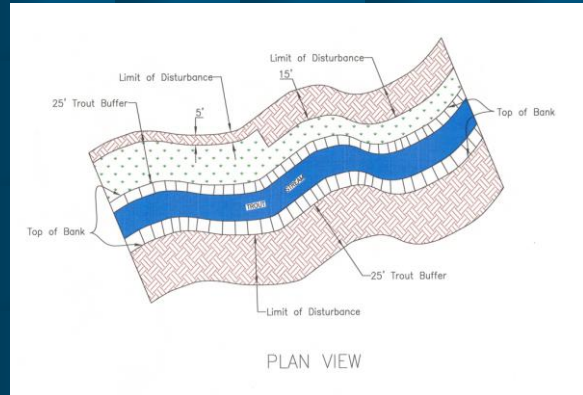
- A description of actions taken to avoid and to minimize the impact on the buffer
- Why this disturbance is considered to have temporary impacts on the buffer and stream from erosion and sedimentation.

Variance Request

- A plan that includes:
 - A narrative including a description of the disturbance.
 - A construction schedule detailing how the buffer is to be disturbed.

Variance Request

- The top of bank of the trout stream must be identified on the plan.
- The 25 foot buffer must be identified on the plan.
- The length and width of buffer to be disturbed must be identified on the plan.



Variance Request

- The erosion and sedimentation control measures to be used in the buffer with details and calculations.
- Any measure needed to control water and sediment from areas outside of the buffer.

Variance Request

- There is no set time frame to review a request for trout buffer variance.



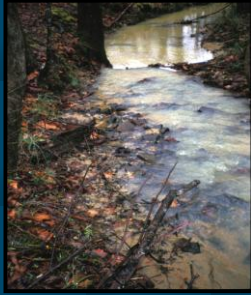
Variance Request

- The Land Quality staff looks at each plan thoroughly and determines if impacts will be minimal and temporary. No disturbance will be approved if it can be moved out of the trout buffer.

Coordination with Water Quality

The Division of Land Resources and the Division of Water Quality coordinate the 401 certification and the trout buffer variance. Trout buffer variances do not supersede the turbidity standard of 10 NTUs.

Enforcement



- A fine of up to \$5000 per day may be assessed
- Injunctions/stop work orders
- Require restoration of the buffer and stream from damage caused by sedimentation.

Mowing

- If mowing does not damage the ability of the ground cover to prevent soil erosion, then it is not a land-disturbing activity. Weed-eating or bush-hogging may result in “scalping” that would result in soil erosion.

Trimming Vegetation

- Trimming of limbs or other vegetation is generally not a land-disturbing activity and therefore is allowed in the trout buffer. However, removing shade that results in adverse stream temperature fluctuations is prohibited.

Maintenance of Structures

- You can maintain your house, deck or any other existing structures.

Contacts

- Gray Hauser
- Gowon Goode
- Mell Nevils

Phone (919) 733-4574
1612 Mail Service Center
Raleigh, NC 27699

**APPENDIX V. SIGN-IN SHEETS FOR PUBLIC MEETING IN MILLS
RIVER, NC**

MILLS RIVER COMMUNITY CENTER

OCTOBER 26, 2010

1:00 P.M. - 4:00 P.M.

Mills River

N=83

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

NAME	ORGANIZATION	Check if you want to comment	Do you live or own property on Boylston Creek
Carol Gardner	Homeowner		<input type="checkbox"/>
Carolyn Bailey	"	Maybe	<input checked="" type="checkbox"/>
William E. Baity			<input type="checkbox"/>
Caleb Jones	NC Forest Service		<input type="checkbox"/>
Virginia Thompson			<input type="checkbox"/>
Mark Thompson	Landowner	Yes	<input checked="" type="checkbox"/>
W. Berch	NC DWR		<input type="checkbox"/>
Shutell Beah	WLOS-TV		<input type="checkbox"/>
Bill Evan	WLOS-TV		<input type="checkbox"/>
Clarence Allison			<input type="checkbox"/>
Jane J. Mancy			<input type="checkbox"/>
Paul Harrison	Baldwin Grove		<input checked="" type="checkbox"/>
Ron Spevick			<input type="checkbox"/>
Ken Fitch			<input type="checkbox"/>
Phil Chummi			<input type="checkbox"/>
Mark & Jean Raymond	County Resident		<input type="checkbox"/>
Jimmy Cowan	NC Farm Bureau		<input type="checkbox"/>
Paul Payne	Town Council		<input type="checkbox"/>
Les McCall			<input type="checkbox"/>
James Reed	Homeowner		<input checked="" type="checkbox"/>
Stacy Fuller	Fullin Dairy		<input checked="" type="checkbox"/>
Kat Freeman			<input checked="" type="checkbox"/>
Drane Lee S	DWQ		<input type="checkbox"/>
Alan Clark			<input type="checkbox"/>
Adriene Weaver			<input type="checkbox"/>
Sandra Moore			<input type="checkbox"/>
Kevin Barnett			<input type="checkbox"/>
Naresh Wheeler	MSL		<input type="checkbox"/>
Mel Nevils	ITC		<input type="checkbox"/>

The names of the last five attendees on the sign-in sheet above are Alan Clark, Adriene Weaver, Sandra Moore, Kevin Barnett, Powell Wheeler, and Mel Nevils

M.N.S. River

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

NAME	ORGANIZATION	Check if you want to comment	Do you live or own property on Boylston Creek
ROBERTA PERKINS			<input checked="" type="checkbox"/> YES
Carol Shull			<input type="checkbox"/> NO
L. L. Brittain			<input type="checkbox"/> NO
Mary Cassell			<input checked="" type="checkbox"/> YES
Jack Raffel			<input checked="" type="checkbox"/> YES
Marion Joss			<input type="checkbox"/>
Martha Shoemaker			<input checked="" type="checkbox"/> YES
Phil Allen		<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Ruth English			<input checked="" type="checkbox"/> YES
Anthony Starr	Henderson County Government		<input type="checkbox"/> NO
Mike Dirks / Timmer Neas			<input type="checkbox"/> NO
Matthew Doherty	HOME OWNER		<input type="checkbox"/> NO
Sue Powell	Town of Mills River		<input type="checkbox"/> NO
Dwight Bayse	Transylvania Regional Hospital		<input checked="" type="checkbox"/> YES
Maciea Boyd	ECO		<input type="checkbox"/> NO
Martha Sacks			<input type="checkbox"/> NO
Paula Bakula	ECO		<input type="checkbox"/> NO
Ben Allen			<input type="checkbox"/> NO
Randall Boggs			<input type="checkbox"/>
Susan Harris			<input type="checkbox"/> NO
Red Dials	ECO		<input type="checkbox"/> NO
Hartwell Cosin	Western NC Alliance		<input type="checkbox"/> NO
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Mills River

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

NAME	ORGANIZATION	Check if you want to comment	Do you live or own property on Boylston Creek
Larry Freeman	Mills River Town Council		<input type="checkbox"/>
William J. Noddle Jr			<input type="checkbox"/>
John A. P. [unclear]		✓	NO
[unclear]			YES
Barbara W. Paines		maybe	YES
[unclear]			YES
Mark R. [unclear]		Maybe	NO
ROGER EDWARDS			NO
Jim Shull		May	NO
Ray Perkins		HAYBE	NO
Wayne S. Carls			YES
S. Michael Byrd	NCDPR		NO
DOROTHY HECK	-		XNO
Jaime Lancaster	Township Mills River		NO
CHUCK McGRATH	COUNTY COMMISSIONER		<input type="checkbox"/>
David Weintraub			YES
Eric Flock	NCDWAQ		NO
Paul Shoemaker	Mills River Farmer		YES
Carolyn Justus	NCOA		NO
Lizbeth D. Borton			YES
Jonathan Wallin	Soil & Water		NO
Alroy W. Schneider			<input type="checkbox"/>
Shaun Moore	Henderson County SWCD		<input type="checkbox"/>
Jacob Harris	Balsam Grove		<input type="checkbox"/>
Richard Desimone			NO
Mary Beth Hayes			NO
Matthew J. Hayes			NO
			<input type="checkbox"/>

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

[illegible]

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

[illegible]

**APPENDIX VI. SIGN-IN SHEETS FOR PUBLIC MEETING IN BREVARD,
NC**

TRANSYLVANIA COUNTY COURTHOUSE

OCTOBER 26, 2010

7:00 P.M. – 10:00 P.M.

BREVARD

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

NAME	ORGANIZATION	Check if you want to comment	Do you live or own property on Boylston Creek
Lynn Peters	The Mountain Voice	yes	<input type="checkbox"/> N
MARY MC DANIELS			<input checked="" type="checkbox"/>
Gerry Hunsicker		Yes	<input checked="" type="checkbox"/> YES
BOB HESELTINE	LAURELARK, PF	MAYBE	<input checked="" type="checkbox"/> YES
Kenneth E & Dawn S McCall		maybe	<input type="checkbox"/> N
JOE HENDERSON		maybe	<input type="checkbox"/> N
Mike Mills		maybe	<input type="checkbox"/> N
Bruce Stoupe		?	<input checked="" type="checkbox"/> YES
NILSA LOBDELL			<input type="checkbox"/> NO
Clayton Ciken			<input type="checkbox"/>
HARRY CRAVE			<input type="checkbox"/>
Frank D'Neal		Yes	<input checked="" type="checkbox"/> NO
Charles Egan		maybe	<input checked="" type="checkbox"/> NO
Gerry Quinn			<input type="checkbox"/>
Sarah Mathis			<input type="checkbox"/>
Harold Mathis			<input type="checkbox"/>
Spencer Brown			<input type="checkbox"/> NO
Rebecca Lunde			<input checked="" type="checkbox"/> NO
Bill Thomas	Lucia Club	✓	<input type="checkbox"/> NO
JOAN SANDOLL			<input checked="" type="checkbox"/> YES
Vera Anne Mast		✓	<input type="checkbox"/>
Carolyn Bailey		no	<input type="checkbox"/>
BILL DILLON		no	<input type="checkbox"/>
JOE CALIA			<input checked="" type="checkbox"/> N
Max Grant			<input checked="" type="checkbox"/> YES
FRED WEED		Maybe	<input type="checkbox"/> NO
Fred McChang		yes	<input type="checkbox"/>
Thomas Baird		maybe	<input type="checkbox"/>
Daryle Hayes		yes no had to leave	<input checked="" type="checkbox"/> NO

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

BIENARY

N-121

NAME	ORGANIZATION	Check if you want to comment	Do you live or own property on Boylston Creek
Dianna Reid	DWA		<input checked="" type="checkbox"/> N
Alan Clark			<input checked="" type="checkbox"/> N
Adriene Weaver			<input checked="" type="checkbox"/> N
Sandra Moore			<input checked="" type="checkbox"/> N
Roxy Edwards			<input checked="" type="checkbox"/> N
Karin Barnett			<input checked="" type="checkbox"/> N
Ralph Peters		Yes	<input checked="" type="checkbox"/> N
J. Ems Crowe			<input type="checkbox"/>
Don SURRETTE			<input checked="" type="checkbox"/> Y
Carol Manning		maybe	<input type="checkbox"/>
SA Butler		maybe	<input type="checkbox"/>
Harold Dawson			<input checked="" type="checkbox"/> N
Jacob Harris			<input type="checkbox"/>
Scott McCall			<input checked="" type="checkbox"/> N
John Dillon		Yes	<input checked="" type="checkbox"/> N
Phil Luske		MAYBE	<input type="checkbox"/>
Paula Stewart			<input checked="" type="checkbox"/> Y
Carol Gardner			<input type="checkbox"/>
RAY PERKINS			<input checked="" type="checkbox"/> YES
Kitty Dillon		YES	<input checked="" type="checkbox"/>
JAMES R QUINN		Yes	<input checked="" type="checkbox"/>
Genevieve R Quinn			<input type="checkbox"/>
Jin Shen			<input type="checkbox"/>
David Alford			<input checked="" type="checkbox"/> NO
Fred Grayson			<input checked="" type="checkbox"/> NO
Terry M. Nichols			<input type="checkbox"/>
Walt R Crane		yes. Jerry [unclear] [unclear]	<input checked="" type="checkbox"/> To speak
Debra Sturtevant		NO	<input type="checkbox"/>
DAVID MORROW		NO	<input checked="" type="checkbox"/> NO

BREVARD

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

NAME	ORGANIZATION	Check if you want to comment	Do you live or own property on Boylston Creek
Donald J. Boland	mta Prop		<input type="checkbox"/> no
David Cantrell	Private Citizen	✓	<input type="checkbox"/> No
Billy W. Galloway		✓	<input type="checkbox"/>
Wendy D. Dumas			<input type="checkbox"/> No
Lynn Wilson			<input type="checkbox"/> NO
Bill Wilson		maybe	<input type="checkbox"/> NO
Greene Stowe			<input type="checkbox"/>
Yamika Flory-Milligan			<input type="checkbox"/> No
Mohammad Mite Heris Foud Al-Sari			<input type="checkbox"/>
Vernon Richardson			<input type="checkbox"/>
Allen Pison		✓	<input type="checkbox"/>
Shirley B. O'Neil			<input type="checkbox"/>
Joseph Galligan		YES	<input type="checkbox"/> NO
Joseph M. Mite			<input type="checkbox"/> No
Jimmy D.			<input type="checkbox"/>
Jim D.		YES	<input type="checkbox"/> NO
Nancy Bruner			<input type="checkbox"/>
Clifford Coggins		Yes	<input type="checkbox"/> No
Al Humann		?	<input type="checkbox"/>
John Henson			<input type="checkbox"/>
Melissa Henson			<input type="checkbox"/>
Susan A. Wilson			<input type="checkbox"/> No
LARRY CHAPMAN			<input type="checkbox"/> No
Earl Dwe			<input type="checkbox"/>
Edward J. Tumbarello			<input type="checkbox"/> No
John Robinson			<input type="checkbox"/>
Oliver Redmond			<input type="checkbox"/> No
Ken F.		YES	<input type="checkbox"/>
CHUCK MCCROY	Commissioner		<input type="checkbox"/>

BREUARD

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

NAME	ORGANIZATION	Check if you want to comment	Do you live or own property on Boylston Creek
Harold Anders			<input type="checkbox"/> no
Vivian Liegler			<input type="checkbox"/> no
Robert D. Dub			<input type="checkbox"/>
John Lee			<input type="checkbox"/> no
Earl Jenkins			<input type="checkbox"/>
O'Neal McCall			<input type="checkbox"/>
Theresa E. LEWIS			<input checked="" type="checkbox"/> yes
Jeff D. Bellamy			<input type="checkbox"/> NO
Grace Lee			<input checked="" type="checkbox"/> yes
Harold Hurrey			<input type="checkbox"/>
Jim Stuber			<input type="checkbox"/> NO
Quinn			<input checked="" type="checkbox"/> yes
Jill Chapman			<input type="checkbox"/> NO
Kerry Guice			<input type="checkbox"/> No
John H. Brown			<input type="checkbox"/> NO
Ruby Brown			<input type="checkbox"/> NO
FRANCIS GREEN			<input type="checkbox"/> NO
Mike Harris			<input type="checkbox"/> NO
Robert P. GRANT			<input checked="" type="checkbox"/> YES
Bob Cubbler			<input checked="" type="checkbox"/> yes
Robert S. Croan			<input checked="" type="checkbox"/> yes
Tammy Owen			<input type="checkbox"/> no
Gain Self		Maybe	<input checked="" type="checkbox"/> yes
Dusan S. Threlkel			<input checked="" type="checkbox"/> yes
Kirk Hensley			<input checked="" type="checkbox"/> yes
Wanda Hensley			<input checked="" type="checkbox"/> yes
Gennifer Fisher			<input type="checkbox"/>
George Frank			<input type="checkbox"/> NO
Timothy S. Smith			<input type="checkbox"/> NO

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

[illegible]

BOYLSTON CREEK PUBLIC INFORMATION MEETING

OCTOBER 26, 2010

[illegible]

APPENDIX VII. SUMMARY OF QUESTIONS SUBMITTED AT PUBLIC
MEETINGS AND DEPARTMENT'S RESPONSES FROM THE BOYLSTON
CREEK PUBLIC MEETINGS AT MILLS RIVER AND BREVARD, NORTH
CAROLINA

<p align="center">Questions & Responses from the Mills River Community Center Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 1:00 P.M. - 4:00 P.M.</p>	
Public's Questions	DENR Response
Where does most current fishing activity take place in the creek or tributaries?	There is very little fishing in the system because the waters are on private property.
If the Class C standard already protects trout why did the state pass the trout classification?	<p>The Class C surface water standards are not fully protective of Trout (Tr) waters. Trout are more sensitive to dissolved oxygen, turbidity, cadmium and toluene than most other aquatic species. Standards applicable to Class Tr waters result in an increase in the dissolved oxygen standard from 5 mg/L under Class C waters to 6 mg/L, a reduction in allowable Turbidity from 50 NTU to 10 NTU, and a reduction in the upper allowable Water Temperature from 84°F to 68°F.</p> <p>In the Boylston watershed, current land use practices have provided protection to the trout; however, proposed development activities raised concerns that individual landowners would no longer be able to protect their waters. In addition to providing more protective standards than those for Class C waters, the Trout classification triggers protection from land disturbing activities that may increase temperatures and turbidity. These protections come from rules adopted under the Sediment Pollution Control Act administered by the Division of Land Resources (DLR).</p>
Are there any activities underway that would constitute a disturbance?	There are some small development activities underway.
What is the economic impact of a degraded compromised stream?	It depends on the degree of impairment. In the Falls Lake watershed, it is estimated that cleaning up those waters to meet surface water quality standards will cost the state hundreds of millions of dollars. Stream restoration projects can cost thousands of dollars.
Would any removal of existing development be required as part of this reclassification?	Under the state Sedimentation Pollution Control Act, <u>no</u> removal of existing structures in the trout buffer is required.

<p align="center">Questions & Responses from the Mills River Community Center Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 1:00 P.M. - 4:00 P.M.</p>	
Public's Questions	DENR Response
Does the trout buffer rule apply all the way to the French Broad River?	No. The trout buffer requirements will only apply to Boylston Creek and its tributaries, from its source in Transylvania Co. to approximately 0.3 mile upstream from Murray Branch in Henderson County.
Why did state personnel not notify the local government when starting the reclassification study?	DWQ Central Office received a request from the DWQ Asheville Regional Office for reclassifying the Boylston Creek watershed to trout on September 2005. The Town of Mills River and Transylvania County were informed of the proposed reclassification in November 2005.
How is an agricultural use determined?	Agriculture is broadly defined in the state Sedimentation Pollution Control Act. If DLR questions whether a practice is truly an agriculture activity, it will ask the applicant of that activity for an affidavit as proof that it is in fact an agriculture activity. DLR will also work with the state Division of Soil and Water Conservation and the Department of Agriculture to determine if a practice constitutes an agricultural activity.
Are active springs on property that flow to Boylston Creek considered a tributary to Boylston Creek?	DWQ would need to visit the property and do an assessment to determine whether it is a regulated water.
Does the overturning of this classification serve as a precedent for similar actions elsewhere?	It is possible; however, in light of this process, DWQ is meeting with Transylvania County stakeholders in January to review the process and improve understanding by all.
What sediment impacts can occur downstream and are there species other than trout that are impacted?	Sediment can have severe impacts downstream. For instance, reservoirs can fill up with sediment. Increased sedimentation in pools and riffles in streams not only impacts aquatic life but may impact the flow of the stream and the flood zone. Sediment that moves downstream can also cover up stream substrate which is vital to the growth of the aquatic insect larvae on which the fish feed.

<p align="center">Questions & Responses from the Mills River Community Center Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 1:00 P.M. - 4:00 P.M.</p>	
Public's Questions	DENR Response
If there was a loss of an existing structure within the trout buffer due to fire, can it be replaced within the buffer?	Yes, the structure within the buffer can be replaced without a variance as long as the replacement occurs within the same footprint of the burned down structure. If one anticipates any land disturbance in the buffer outside the footprint of an existing structure, then the DLR can review and provide a variance from the buffer requirements as long as care is taken to reduce impacts to the stream. There is no cost to obtain a variance.
When turbidity occurs how do you determine where it came from, what action occurs, what is the fine, and if it cannot be fixed what happens then?	DWQ investigates complaints about turbid streams to identify the activity causing the stream to be turbid and the person responsible for the activity. DWQ will sample the stream to determine if there is a surface water turbidity standard violation. If there is a violation, the responsible party will be notified of this and given an opportunity to address the problem. Fines are decided by the DWQ Director and based on the severity of the stream turbidity issue, the length of the issue, and how responsive the property was in resolving the issue. We know of no instances where actions taken to address sedimentation due to human activities have not improved the waters.
How were adverse stream temperature fluctuations in the regulation determined?	There is a large body of science that was used to determine the range of temperatures that would impact trout reproduction and survival.
Can the state's Division of Land Resources postpone approvals of variances for any and all projects indefinitely?	DLR strives to complete variances for all projects within 30 days. There are projects that required more time to complete variances because DLR is waiting on additional information.
If people mow the grass on a stream bank, will they have to do more to account for a trout stream buffer?	As long as the mowing does not result in areas of uncovered soil that can cause sedimentation of a stream, there is nothing that they would have to do.

<p align="center">Questions & Responses from the Mills River Community Center Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 1:00 P.M. - 4:00 P.M.</p>	
Public's Questions	DENR Response
What was the original effective date of the trout reclassification and buffer requirements?	The original effective date was May 1, 2009.
Are most of the trout buffers on private or public lands?	Trout buffers are on both private and public lands (see the map following this table).
How does the Clean Water Act apply to the Boylston Creek Trout Waters reclassification?	The Clean Water Act requires states to adopt water quality standards for all waters of the state to protect the best uses of those waters. Best uses include growth and maintenance of aquatic life, water supply, and recreation. The Act also requires that the states protect the most sensitive species. In Boylston Creek, because trout were documented to inhabit the creek, the Trout classification was adopted.
What is the variance process for doing emergency repair on a road along trout water?	DLR does quick reviews for variances for existing private roads that are in need of immediate repair such as a road that has been washed out.
Can a state maintained road be within the buffer zone?	Yes, since it is an existing and ongoing activity.
Does extensive grazing constitute a land-disturbing activity or is it exempt?	Agriculture activities are exempt under the state Sedimentation Pollution Control Act. However, if there was a documented turbidity standard violation for an agricultural activity, then this violation would be subject to follow-up and possible enforcement by DWQ.
Clarify the ownership of water and land?	Streams, rivers, and estuaries are considered Public Trust waters and are not owned by individuals. Land can be owned by private or public entities.
If Boylston Creek is a trout stream, under the Clean Water Act, does the state Legislature have any grounds to overturn the classification?	The documentation of the trout and water quality clearly support classification of Boylston Creek and designated tributaries as Trout waters under current rules. The Legislature may overturn or

<p align="center">Questions & Responses from the Mills River Community Center Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 1:00 P.M. - 4:00 P.M.</p>	
Public's Questions	DENR Response
	modify the classification or its implementation.
What science has proven that Boylston Creek should be designated a trout stream?	Reproducing populations of Rainbow Trout and Brook Trout were collected within Boylston Creek and its tributaries by staffs from DWQ, NC Wildlife Resources Commission and Western Carolina University.
Where is the trout buffer zone determined from, the high water mark or the bank of the stream?	It is determined from the top of the stream bank. The primary indicator of top of bank is bankfull, which is the bank elevation where a stream would flood outside its banks. When DLR cannot determine the top of the bank for a stream system, they will contact DWQ to assist them in determining the location of the top of the bank for the purpose of determining the trout buffer zone for a stream.
What is done about sedimentation of water from an unpaved road?	DLR would not get involved in a situation where there is an unpaved road with no land-disturbing activity involved. For complaints about turbid watercourses, DWQ will work with nearby property owners to determine from where the sediment is coming and to address the situation.
If the native Brook Trout population becomes severely diminished would that generate threatened or endangered designation and would that create more severe restrictions?	No, designation as threatened or endangered species would require substantial loss of native Brook Trout populations throughout the state.
Is there data available to the condition of these waters and/or trout propagation since this action began 5 years ago?	Yes. That data is available in the Report of Proceedings to the state Environmental Management Commission regarding the proposed Boylston Creek Trout Reclassification on the DWQ Hearing Officer Report website at http://portal.ncdenr.org/web/wq/ps/csu/hor . On July 17, 2006, Rainbow Trout were collected

<p align="center">Questions & Responses from the Mills River Community Center Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 1:00 P.M. - 4:00 P.M.</p>	
Public's Questions	DENR Response
	from Boylston Creek at SR 1323.
How did the reclassification process for Boylston Creek get started?	The reclassification process was prompted by the discovery of trout populations in the mainstem of Boylston Creek and in some of its tributaries by the NC Wildlife Resources Commission during a site evaluation with DWQ Asheville Regional Office staff for a proposed development within the creek's watershed. Concerns for the continued success of trout in the watershed due to the proposed development in the headwaters resulted in the recommendation that the waters be reclassified to provide additional protection from the new development not already afforded under state and local regulations.
Why a width of 25 feet instead of what is suitable based on stream bank conditions for each section of stream bank?	The width has been set by the state Sedimentation Pollution Control Act. Originally, the proposed width requirement was for a 100 foot buffer; however, through the legislative process it was reduced to 25 feet.
Will the comments be part of the meeting minutes?	Oral comments have been recorded, summarized and included in the report package. Written comments are also in the report package.
Are trout more important than people?	No. The trout rules have been designed to give some protections for the trout while minimizing the effect on use of adjoining properties. Balancing protection of public resources while limiting impacts to private lands is very important to the State.
What can landowners do to stop this trout stream classification for Boylston Creek?	Landowners can contact their legislative representatives and request that it be stopped or modified.

<p align="center">Questions & Responses from the Transylvania County Courthouse Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 7:00 P.M. – 10:00 P.M.</p>	
Questions	Response
Email address for sending comments?	Provided by Transylvania County on their website, in the materials available at the meeting, and those materials mailed prior to the meeting: adriene.weaver@ncdenr.gov.
When report is done will the public have access?	Yes, it can be accessed from the DWQ, Transylvania County and ERC websites.
If my house burns down and I'm in the buffer, will I be able to rebuild?	Yes without a variance if the construction remains within the old footprint and there is no land disturbance of the buffer. If you wish to rebuild in the buffer but outside of footprint, a variance will be needed. Variances are available through the Division of Land Resources at no cost to the public.
What if a tree falls in the creek, can I remove it?	Yes; however, if there will be significant disturbance of bottom then DWQ would need to be involved. If the creek is Class Trout and there will be significant disturbance of the land adjacent to the buffer, DLR would need to get involved.
Question regarding where the Buffer rules are located.	They are part of the state Sedimentation and Erosion Control regulations (15A NCAC 04B .0125).
On my farm, can I still cross the stream with my tractor?	Agriculture is exempt from the state Sedimentation Pollution Control Act. However, farmers are encouraged to use best management practices to prevent impacts to water quality.
Can my children still play in the stream?	Yes
Why does the public only have 15 days to research background laws and make comments?	This question was referring to the comment process for preparing this report. The Division requested that comments be submitted within 15 days after the public meetings in order to provide time to prepare this report. It was noted that the public could provide comments directly

<p align="center">Questions & Responses from the Transylvania County Courthouse Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 7:00 P.M. – 10:00 P.M.</p>	
Questions	Response
	to their Senator or Representatives' at any time.
How do Trout standards take into account natural weather variation such as temperature, drought, and high and low rain fall impacts on Dissolved Oxygen, turbidity and temperature?	The standards were developed using criteria established by the United States Environmental Protection Agency based on scientific studies of the response of all life stages of trout to variations in those parameters.
If waters meet qualification of trout is it true that DWQ must reclassify those waters as trout waters?	Under the Clean Water Act and the Code of Federal Regulations (CFR), states are required to specify appropriate uses to be achieved and protected (40 CFR 131.10) in all waters of the state. Therefore, where trout waters are documented, there is a responsibility to pursue protection through reclassification.
Can someone build a house or dock in the buffer on a lake or stream if sedimentation is controlled?	Yes, no variance is required as long as the structure would take up no more than 10% of the total length of the buffer. If it does take up more than 10% of the total length, then a variance is necessary. Most docks do not require variances.
If the current classification is sufficient to protect trout why reclassify to Trout that includes more land use restrictions?	While current land uses are protecting trout, proposed development in the upper watershed has the potential to significantly impact downstream water quality. Trout are extremely sensitive to temperature, dissolved oxygen and sedimentation. Significant protection is afforded by the buffer strips. Without shading provided by the buffers, trout would die or move out of the waters. The trout reclassification provides more protective standards for dissolved oxygen, turbidity and temperature than the standards for Class C waters.
Whose rules do you follow?	All waters of the state must meet surface water quality standards based on their classification. For trout waters, under the state Sedimentation Pollution Control Act, the buffer requirements

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Questions	Response
	must also be met.
Intermittent or stormwater runs, do they require a 25 foot buffer?	These terms have very specific regulatory meaning. Intermittent streams may require a 25 foot buffer and the DWQ can assist with determining if the stream meets the requirements for buffers. Stormwater runs that only occur during heavy rainfall do not require a buffer; however, if they result in increased turbidity instream, under the rules the sediment must be controlled before reaching the stream.
What topics will be in the report?	Summary of the 2 public meetings on the Boylston Creek Trout reclassification, the public's questions, the Department's responses and, copies of Session Law 2010-157 regarding the public meetings for the reclassification, sign-in sheets for the meetings, presentations, and comments.
Has this act been imposed by appointed officials that trump elected officials?	The EMC is composed of appointed officials; however, the Legislature has the final say on adoption of rules.
Yes or no, with no deadline for reviewing variances can the DLR delay approving all variances indefinitely?	No
How do you keep someone from trespassing on your property (that you no longer own)?	Exactly as one does now with No Trespassing signs and other legal avenues.
Why aren't silt fences required for any excavation in Transylvania County?	Within the state Sedimentation Pollution Control Act there is a performance standard that states that you must take action to protect adjacent property but does not dictate how to do that. Therefore, controls are required, just not silt fences specifically.

<p align="center">Questions & Responses from the Transylvania County Courthouse Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 7:00 P.M. – 10:00 P.M.</p>	
Questions	Response
How was the fish sampling done?	Staff walked up the stream from public road crossings.
How did they get in the stream?	Staff followed protocol and accessed the stream at public bridge crossings. If they had been asked to leave an area of the stream, they would have done so.
With dissolved oxygen, temperature, and turbidity, can it be decided that Laurel Lake is detrimental and can it be undammed?	If downstream standards for dissolved oxygen, temperature, and turbidity are not being met and Laurel Lake was found to be causing the problem, then a variety of options would be reviewed to determine how to best address the water quality issues. Removal of the dam is not the preferred option in most cases.
Will the Lake still be able to be used for swimming and boating? Can beach be maintained?	The Trout classification only impacts land disturbing activities and discharges; therefore, swimming, boating and beach maintenance (properly conducted to reduce turbidity) are allowed.
Major sod farms and golf courses have no buffers, why aren't their chemicals controlled?	Sod farms are agriculture and therefore exempt per state statute. Golf courses are required to have licensed applicators and are regulated by the Department of Agriculture and DWQ.
Does reclassification increase water quality in trout streams?	The reclassification is intended to protect the current water quality. There may, or may not, be improvements in the water quality following reclassifications; however, the rules are intended to maintain the current water quality.
If already meeting trout standards why reclassify?	The rules associated with trout waters provide additional protection from land disturbing activities that might result in reduced cover and increased sedimentation and polluted runoff.

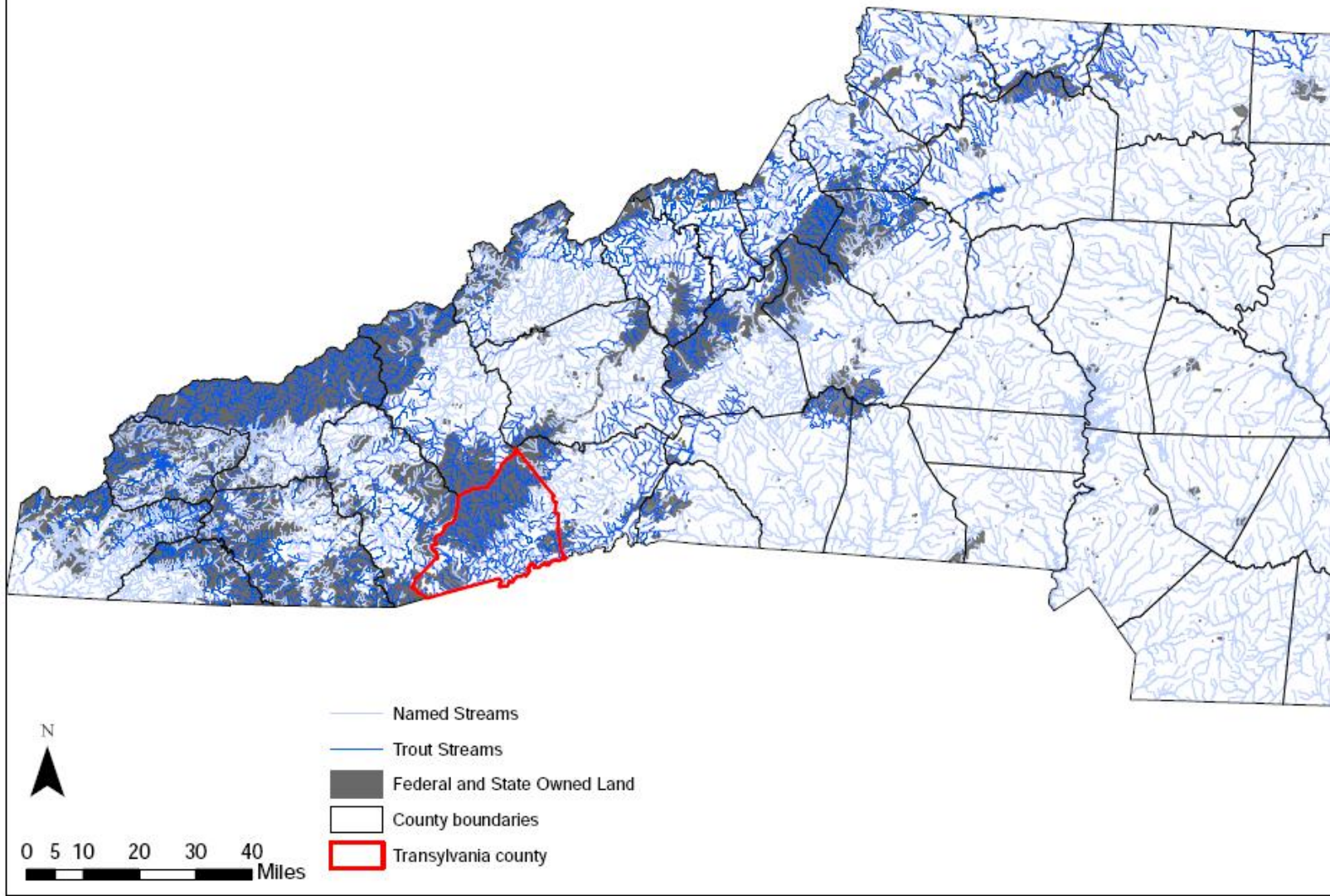
<p align="center">Questions & Responses from the Transylvania County Courthouse Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 7:00 P.M. – 10:00 P.M.</p>	
Questions	Response
If Boylston is already meeting trout standards why not just implement the buffer for new development?	The state Sedimentation and Erosion Control rules for protection of Trout waters are currently written such that implementation by DLR for only new development is not possible.
Is there compensation for loss of lands to buffers?	It is not considered a taking in that it only limits some uses not total use; therefore, there is no compensation.
How can I protect my property from regulations?	The best way is to be involved in local, state and federal regulatory rule-making processes.
Trout farms, is their waste regulated?	Yes. Either by pounds of fish produced or by water quality standard enforcement.
Can a picnic structure be rebuilt if it is in the buffer?	Yes and since they usually do not take up 10 % of the total length of the buffer; a variance is not usually necessary.
How many miles of waters already designated Trout waters in Transylvania County?	There approximately 600 miles of trout streams in Transylvania County. See map on page 49 for all class Tr waters in state.
Subdivision restrictive covenants will they be impacted?	No; however, if they are less restrictive in the buffer than Trout requirements, the Trout requirements have to be met. DWQ and DLR do not enforce subdivision covenants.
Will the July 1, 2011 date impact Trout waters other than Boylston Creek?	No other waters will be impacted except the tributaries to Boylston Creek that are included in the rule.
How does any of this benefit the property owner?	The buffer requirements protect property from upstream impacts and can actually increase property value by assuring buyers that activities upstream of them will not be allowed to ruin the portion of the stream along their property.
A minimum of 25 feet, does this mean that you [the state] can create a larger buffer at	DLR has never asked for more than 25 feet to our knowledge; however, there are guidelines

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Questions	Response
any time?	that recommend wider buffers on steep slopes.
If the creek hugs the side of a mountain, then where's the buffer?	That is based on field review; however, usually there is vegetation that indicates where the bankfull of the stream should be measured.
In light of the recent NC Supreme Court decision on the trout water protection what power does NCDENR have to restrict any use of the 25 foot buffer beyond prohibiting continuous sedimentation? What's minimal disturbance?	<p>DLR looks to see that disturbance is not resulting in continuous sedimentation. The minimal disturbance is in statute and is defined as the following:</p> <ol style="list-style-type: none"> 1. The land-disturbance is limited to a maximum of 10 % of the total length of the buffer zone on your property; and 2. There is no more than 100 linear feet of disturbance for each 1000 linear feet of buffer zone. <p>The handout provided at both meetings and included in this packet called "Protecting Trout Waters of North Carolina" explains this and provides an example.</p>
Heavy rains and floods can change the shape and size of streams, how will that be accounted for?	The buffer is established from the top of bank. That would be used for determining buffer width. Evaluations would be based on status at time of visit. Staff has not seen the streams get significantly larger or smaller during hurricanes. Ten to 20 feet of stream may change; however, 1000 feet did not really change. Shapes of the channels stayed pretty much the same and were more in the natural pattern. Tree roots hold stream banks together so having a buffer with trees actually protects the stream and allows it to hold its shape.
How far do trout migrate? Do trout and aquatic life on a landowners land belong to them?	Trout move throughout the creek. In Boylston, rainbow trout are in the mainstem of the creek. Boylston's tributaries are populated with brook trout (native species). Originally, brook trout

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Questions	Response
	were everywhere; however, they need very high quality water and they cannot compete with the rainbow trout. In public water, everyone owns the fish and aquatic life.
How do we know what's going to happen next? If we've done such a good job, why not leave us alone? Where are our civil rights?	This question was a more general question regarding whether there were more rules and regulations being brought forth. The Division and Transylvania Cooperative Extension are working together to improve understanding of current rules and to improve public participation in future processes.
What effect will these public meetings have on the designation of trout or is this just for show?	The information provided to the ERC will be used by them to determine what the Legislature should do. DENR agencies are reviewing their current processes to incorporate more public input earlier in the process.
Has the classification been written in stone?	It becomes effective in July 1, 2011 unless the Legislature does something to modify or revoke it.
Can you expect any more trout to be produced in Boylston Creek as a result of these regulations?	Regulations are aimed at protecting current production.
How can we be confident that the regulations won't become more stringent as time goes on?	There are no foreseeable plans to make the Trout waters regulations more stringent.
Are all tributaries the highest classification?	DWQ has not sampled all tributaries in Transylvania County and therefore cannot say whether all tributaries are currently classified to protect all their uses.
If specifications are satisfied can requirements for buffers be rescinded?	No, since they are intended to protect from future activities.

<p align="center">Questions & Responses from the Transylvania County Courthouse Boylston Creek Reclassification Public Meeting</p> <p align="center">October 26, 2010 7:00 P.M. – 10:00 P.M.</p>	
Questions	Response
When stream banks are damaged by storms do you keep counting off 25 feet and who's required to repair the damage?	The only time the property is measured is if there is proposed modification to buffer.
What's the permit cost and what's the range?	Over an acre of land disturbed must have an approved Sedimentation and Erosion Control plan. These plans may be approved by state program or by delegated local program. State charges \$65 per acre to approve in Transylvania County. Local programs may charge more or less than the state.
Are there other stream classifications available other than C or Trout C?	Yes, however, they have not been determined to be appropriate for these waters.
If a person calls DENR and talks to different agencies will they get the same answer?	DENR agencies working with these regulations strive to make sure that everyone has the same understanding and provides the same guidance; therefore, you should get the same answers if you are talking with staff that regularly works with the issue.
How will the report review for the two meetings show the actual number of land owners on Boylston Creek in opposition of the classification?	The report is based on comments received and if the person identified themselves as a land owner that is indicated. The sign-in sheets for the meetings asked folks to indicate if they were property owners, but did not ask if they were for or against the classification. The intent of the meetings was to educate and answer questions.
Gravel road next to creek and the state maintains the road, why can they (the state) maintain it?	The gravel road is an existing activity that is allowed to continue and be maintained subsequent to the reclassification. The State has the same requirements that the public does regarding protecting the buffer and meeting the requirements of the trout buffer.

Waters Classified as Trout in North Carolina



APPENDIX VIII. COMMENTS SUBMITTED BY THE PUBLIC

COMMENTS IN OPPOSITION TO THE TROUT WATERS RECLASSIFICATION FOR
BOYLSTON CREEK

Submitted between October 15, 2010 and November 9, 2010

Dear Mrs. Adriene Weaver,

I am e-mailing concerning the Boylston Creek Trout Buffer. This is very upsetting for us. The State of NC already regulates water quality & the fish; which they should. The homeowners also protect the land, water & fish. We feed the fish; not catch them. If the Buffer is put in place, it will be in our house. There would be so many rules & regulations; we wouldn't be sure what is legal. No one would want to buy any property with so many restrictions. And it would make me very sad if this is passed. If NC passes this; the State should buy the property & the homes that are on the Buffer; & let us move out of Western North Carolina. This is Eminent Domain without compensation. This is not right. Please, do not do this.

Thanks,

Roberta Perkins

210 Holland Rd.

Pisgah Forest, NC 28768-7742

All Members of the Legislature in both Houses of government in North Carolina

Environmental Management Commission of North Carolina

c/o Adriene Weaver DWQ, DENR, DLR of NC

Adriene, Please forward this letter to all those addressed above.

To all whom it may concern,

I am writing to state my objections to the structure, criteria and unfairness in the implementation of reclassification of the Boylston Creek Watershed, NC, to Trout C. This reclassification infringes on constitutionally protected private property rights in an unjust and unfair way and is a "" taking"" of private property by government without any just compensation. Furthermore it discriminates against the private property of owners in the Boylston Creek Watershed by not including all watershed property through out Transylvania County, and ALL the counties of Western NC at the same time. The discrimination takes place by creating an encumbrance on Boylston Creek properties. The buffer requirements automatically encumbers the property and lowers it's value by reducing the useable square footage. It further decreases desirability and adversely affects marketability by inserting the uncertainty of future government interference when potential buyers are comparing Boylston Creek Watershed properties against other similar but not yet reclassified watersheds properties in Transylvania County, Western NC and NC.etc. Should this reclassification be imposed property owners in the Boylston Creek Watershed should receive compensation for this govnrment ""taking"" of private property. They have already paid a premium to own property with waterfront or waterways and have been assessed that same higher premium in the valuation of their property for taxes. If reclassification is imposed, property owners in the Boylston Creek Watershed should be awarded reductions in their property

taxes based on the lost value the encumbrances of this reclassification creates. Prior to encumbering all private property owners with more restrictive Reclassifications such as Trout C they should first be instituted state wide on:

1. ALL LAND DEVELOPMENT, as this is the area of the highest land disturbance and erosion that effects water quality. In any development of land, restrictions on waterways adjacent to the new development should be included.

2. AND SHOULD EXEMPT INDIVIDUAL PROPERTY OWNERS WHERE THE WATER QUALITY MEETS OR EXCEEDS THAT OF THE PROPOSED RECLASSIFICATION;

(A) Until there is to be development of the property owners land.

(B) Until the waterways in the watershed fall below the acceptable limits of the reclassification.

IN RECLASSIFYING WATERSHEDS:

1. Eliminate the creation of disparities' in land values of similar properties in watersheds of the same county by reclassifying all watersheds in a county at the same time.

2. Is there a program of routine testing of all watershed waterways that takes place on a regular basis to determine if the water quality is meeting the standards of its watershed classification? Are watersheds not in compliance placed under further restrictions until they meet acceptable levels?.

3. The state should consider the EVALUATION OF ALL WATERSHED AREAS in the state to determine how much future development each watershed can support under drought conditions. This would ensure an adequate, quality water supply for the future. Based on the results of the evaluation maximum limits on development should be established. (No one wants the situation Georgia experienced in the last drought to happen in NC.)

Sincerely,

Joan Sandow

780 Sutton Creek Road
Pisgah Forest, NC 28768

Dear Ms. Weaver,

Once again I find myself in the position of vehemently opposing the reclassification of the Boylston Creek and its tributaries to a Class C Trout Stream. This reclassification is totally unnecessary and will cause the PRIVATE PROPERTY OWNERS grievous harm. When it came out during your recent presentation that this entire "plot" was precipitated by the development of Forge Cove, I became even more enraged! While I totally understand and appreciate the need for erosion control while grading property for development (large or small), I don't understand why you felt it necessary to impose such stringent regulations on existing property owners. EVERY DROP of water you deign to "protect" is on PRIVATE PROPERTY which is already being protected – by US – the PRIVATE PROPERTY OWNERS! Every one of us have been good stewards to our beloved streams which is why we have water good enough for trout survival. So why are WE being PUNISHED??? And, last I checked, trout is NOT an "endangered species!"

As far as I know, Forge Cove will NEVER be developed!! They were unsuccessful in obtaining the necessary right-of-way to create a subdivision (based on our county's Subdivision Ordinance)!!! The surrounding property owners would not allow it!!! The property has been for sale for almost THREE YEARS!!! And with over 860 residential properties currently listed in Transylvania County and only 238 sales year-to-date with an average days-on-market of 250 – I doubt anyone would be foolish enough to attempt that development again in the near future!! Transylvania County has regulations in place to control development and that require erosion control plans! My recommendation would be to STOP your reclassification efforts! Let Transylvania County use its regulations to control new developments. Let US – the current PRIVATE PROPERTY OWNERS – take care of our streams the way we always have! If you must, test the waters once a year and IF you find a problem, then deal with the person who is causing it! Don't punish those of us who are doing the RIGHT thing!! We more than appreciate the natural resources with which we've been blessed and we have a vested interest in preserving them. Please let us continue to do so WITHOUT this stream reclassification! We CAN and WILL do it!!

Respectfully,
Fain E. Self
130 Sitton Place
Pisgah Forest, NC 28768

I am opposed to the redesignation of Boyleston Creek as a Trout Water stream. Personal property rights are involved. We in Transylvania are fortunate to have Pisgah National Forest, DuPont State Park and Gorges State Park set aside to save such areas. Most of us here in the mountains appreciate our surroundings and do not abuse it.

Thank you for the consideration. Jill Chapman

Adriene,

I am writing in reference to the Boyleston Creek Watershed water reclassification in Transylvania and Henderson Counties.

The two public hearings in October did help me understand the situation somewhat better.

Your answer to the question about* By what authority can a representative of DENR enter into private property without permission and take objects (ex. fish) also without permission of the property owner? is * Water quality and fish sampling is done by accessing at the bridge right-of-ways or with prior permission of land owners. Under state law all surface waters are legally "waters of the State" and in public trust which means that the water belongs to all. * fails to address the fact that anyone who steps into the waters in question is standing on the property underneath the water and that is the BIG problem. as soon as a rep from DENR moves out the right-of-way of the road (if the state owns it) you are on private property!

The question about the 25' buffer zone has not been answered in situations where the stream

banks are very steep and can hundreds of feet before they turn horizontal! This is a bone of contention that needs to be resolved.

This process of reclassification has been from the private property owners view is quite bluntly shameful in the way it occurred!!!

I do think that there are ways to address water quality problems without making every one mad at DENR and I have offered my services to our County Commissioners to be part of the solution.

Respectfully,

Don Surrette

145 Sutton Creek Road

Pisgah Forest, NC 2876

"Susan S. Threlkel
November 4, 2010
Dear Ms. Weaver,

These are my comments concerning the Trout Reclassification in the Boylston Creek Watershed.

I understand the arguments set forth in your literature and at the public meetings for protecting the water quality that exists in the Boylston Creek watershed. I also understand that, although I do not have trout (we have attempted to stock our pond but they were almost immediately eaten by snakes and raccoons), it is important that the water be clean and clear when it reaches areas where trout do survive. That being said, I can state that when I first moved to Transylvania County straight piping was happening in several hundred locations and French drains existed in many other areas. It is extremely important to continue the efforts to make that number zero. We, personally and at great expense, remedied any problems that existed on the property we purchased on Sitton Creek Falls. Most property owners have been good stewards, have taken the necessary measures and value the water they are fortunate enough to live on. Here begin the problems:

a percentage of private structures fall within the bank/buffer area you are recommending. In fact, on our property due to terrain, we have very little of either bank or buffer and further development, improvements, etc. could only occur within those defined areas.

Every limitation that is put on a piece of property and must be divulged to a potential buyer makes that piece of property harder if not impossible to sell. This is not the first issue we have had to deal with that will have this effect. The floodplain certainly is another.

Activities that take place within the bank/buffer ? some are approved, others may not be. If property owners have to be burdened with additional paperwork and a bad response time for anything that does not appear on your approved list, I feel that it is extremely unfair. Several years ago we applied for a permit to install a sand filtering system on this piece of property where the topography made using a septic tank close to impossible. The construction of our house had to be delayed for over a year and a half until all of this was resolved. Getting a response took an unreasonable amount of time and then we were told that DENR in Raleigh did not have time to deal with it. Private property owners who are doing their job maintaining the water's quality should not be burdened with the bureaucracy that will come with variance requests.

Suggestions:

Every member of the Environmental Review Commission, especially those who reside outside of the western part of the state, should make a site visit to several property locations to get the lay of the land, to better understand the topography and the impact that this legislation will have on local homeowners. I will be happy to help coordinate this visit.

NC DENR should consider alternatives. Why does it have to be all or nothing? I don't believe that many of us would disagree with the importance of maintaining our water quality and that the only way to

know what you have is to test and record. There must be locations where tributaries could be checked annually or semi-annually. If the results show a significant negative change then it is important to get to the source of the problem. Why blanket the entire area with rules that may only apply in given circumstances? I am sure, with a little thought, that other ideas could be explored.

May I ask why trout are the only animal/plant species considered this important? Our local fish hatchery stocks streams on a regular basis and I have seen no indication that the trout population is dwindling. Bottom line ? no indicators that we have a problem. I appreciate that your attempt is to guarantee the future. These are all homesteads not businesses and I can?t imagine someone who makes this property their home will intentionally do it any harm. Those who do will do so with or without rules and regulations.

We have a spring-fed water system which makes water quality particularly significant to us. It has been checked at least 3 times and continues to be exceptional. As a property owner, I don?t deserve to pay the price in devalued property for doing the right thing.

Sincerely,
Susan S. Threlkel

John Young
96 central ave
Asheville, NC 28801-2436
November 8, 2010

Dear Adriene Weaver:

I support private property rights. Please do not confiscate private land without compensation to the landowners.

Sincerely,
John Young

Oct. 25, 2010

Adriene Weaver,

We recieved your letter about the reclassification of the Boylston Creek section in Transylvania County in mid October.

We oppose the reclassification of the Boylston Creek area in Transylvania County and we are still very concern about our private property rights.

As private property owners and tax payers of Transylvania County, we strongly oppose the reclassification of Boylston Creek.

Concern Private Property Owner
John S. Mahoney

WILLIAM E. and CAROLYN H. BAITY

7 Moland Drive
Etowah, NC 28729

October 26, 2010

TO THE ATTENTION OF THE NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
Division of Water Quality
Re: Rule 15A NCAC 02B.0304
Legislative Review per NC GS 150B-21.3(b)2

FROM Property owners in the Mills River Township, Boylston Watershed Area

We still object to the proposed reclassification from Class C waters to Class C Trout with reclassification regulations on private and personal property use. We acknowledge and follow Henderson County required use permits which already take into consideration environmental and land disturbing issues, which would in turn protect any waters with Trout or any other fish environment.

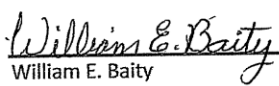
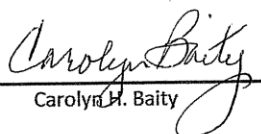
We believe that we as individual landowners should not have to live in fear of breaking a rule or regulation that results in hardship, emotionally or financially, because of a multitude of fine print in laws unknown to the average residential landowner in the course of everyday caretaking.

Please let it be known that the care of these streams on the personal property that we own in this area is utmost in our own personal daily protection and planning. We believe that we are best able and better suited to determine the use and enjoyment of our own private property. It is within current guidelines that our land usage does not include abuse or disturbances environmentally or to our neighbors.

The fact that Trout and even developing Brook Trout exists stands to prove healthy stream quality.

We still oppose any further restrictions or regulations on the use of private property.

Property owners, "BAITY, WILLIAM EDGAR TRUST; BAITY, WILLIAM EDGAR"- 44 Goldmine Road, MR

		10-26-10
William E. Baity	Carolyn H. Baity	Date

2105 Sugarloaf Mtn. Road
Hendersonville, NC 28792

October 27, 2010

Ms. Adriene Weaver
Div. of Water Quality
Classification & standards Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

Dear Ms., Weaver:

I am very disappointed/and disgusted that the Div. of Water Quality Classification & Standards Unit continues to pursue this reclassification of Boylston Creek. Why is this being continued? Property owners have answered with a definite "no". I heard the long "reclassification necessity" spill re protection of water quality but I heard nothing about the current water quality – which must be very good to have trout.

This is unnecessary and an eminent domain type of control that just makes every homeowner and taxpayer angry.

Re concern about new development on Boylston Creek as stated at the Mills River meeting, the restriction of the water quality buffer should be on the developer and not angering and provoking the current homeowner who are and have been taking very good care of their creek property for generations.

If the government would like to buy 25 feet on each side of the creek that would be a consideration but should not be mandatory. Citizens are more important than trout – they pay taxes.

I am surprised and appalled that our representatives have allowed this "take-over" to reach this point.

Regards,



Villa Holland Freeman

I am a property owner on a tributary to Boylston Creek.

Copies to:

Sen. Tom Apodaca, Sen. John Snow, Rep. Carolyn Justus, Rep. David Guice

BOARD OF COMMISSIONERS
Jason Chappell, Chairman
Kelvin Phillips, Vice Chairman
Lynn Bullock
Mike Hawkins
Daryle Hogsed



COUNTY MANAGER
Arthur C. Wilson, Jr.
828-884-3100
Fax 828-884-3119
828-884-3107
21 East Main Street
Brevard, NC 28712

Transylvania County

RESOLUTION 44-10

IN OPPOSITION TO BOYLSTON CREEK TROUT STREAM DESIGNATION

WHEREAS, the North Carolina Department of Environment and Natural Resources, Division of Water Quality, proposes to designate portions of Boylston Creek and its tributaries lying within Transylvania County as a Trout Stream; and

WHEREAS, Transylvania County has a rich heritage in agriculture, and continues to have viable agri-businesses; and individual agricultural, horticultural, and equestrian concerns; and

WHEREAS, a Trout Stream designation will impose restrictions upon both agricultural and residential property owners adjacent to Boylston Creek and its tributaries, and impede the full use and enjoyment of the affected properties; and

WHEREAS, residents and business owners have been good stewards of preserving the water quality of Boylston Creek evidenced by the presence and survival of trout in the streams; and

WHEREAS, the Transylvania County Board of Commissioners cannot support the imposition of further restrictions on agriculture or on residential properties which will impede the full use and enjoyment of the properties for no reason other than Boylston Creek or its tributaries crosses the affected parcels.

NOW, THEREFORE, BE IT RESOLVED by the Transylvania County Board of Commissioners that Transylvania County opposes the designation of Boylston Creek and its tributaries as a Trout Stream, and the imposition of any restrictions relating to that designation on the adjacent property owners.

BE IT FURTHER RESOLVED by the Transylvania County Board of Commissioners to forward a copy of this resolution to representatives in all counties in North Carolina and to our elected representatives in the North Carolina Senate and House.

Approved and adopted this the 8th day of November, 2010

ATTEST:

Jason R. Chappell, Chairman
Board of County Commissioners

Trisha M. Hogan
Clerk to the Board





**RESOLUTION IN OPPOSITION TO RECLASSIFICATION
OF BOYLSTON CREEK TO A CLASS C TROUT STREAM**

WHEREAS, the North Carolina Department of Environment and Natural Resources, Division of Water Quality proposes to change French Broad River Basin Rule 15A NCAC 02B.0304 to designate portions of Boylston Creek and its tributaries lying within the Town of Mills River as a Class C Trout Stream; and,

WHEREAS, on September 25, 2008 the Mills River Town Council passed Resolution 00043 In Opposition to Boylston Creek Trout Stream Designation and on March 26, 2009, passed a Resolution in Opposition to Amendment of Rule 15A NCAC 02B.0304 and Request for Legislative Review (00046); and,

WHEREAS, on March 12, 2009, the Environmental Management Commission met and upheld the rule change, and received hundreds more than the required minimum of ten (10) written objections necessary to have legislative review; and,

WHEREAS, Senator John Snow introduced Senate Bill 1259 to disapprove the rule change as adopted by the Environmental Management Commission on March 12, 2009, and approved by the Rules Review Commission on April 16, 2009; and,

WHEREAS, Senate Bill 1259 was reported favorably by the Committee On Agriculture/Environment/Natural Resources, passed the second and third reading of the General Assembly, was referred to and received a favorable report from the Committee on Environment and Natural Resources, and was referred to Committee on Judiciary I; and,

WHEREAS, the proposed bill was revised and resubmitted as Senate Bill 1259 and House Bill 1677 requiring two (2) additional public meetings and changing the proposed effective date to July 1, 2011; and,

WHEREAS, Senate Bill 1259 and House Bill 1677 were passed as Session Law 2010-157 and signed by Governor Perdue on July 22, 2010; and,

WHEREAS, the public meetings were held October 26, 2010, one in the Town of Mills River and one in Transylvania County, and residents comments and opinions remain strongly opposed to the reclassification of Boylston Creek to a Class C Trout Stream; and

WHEREAS, the proposed amendment to Rule 15A NCAC 02B.0304 might impose severe restrictions upon property owners adjacent to Boylston Creek and its tributaries, and impede the full use and enjoyment of the affected properties; and,

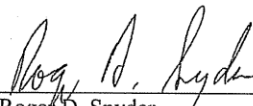
WHEREAS, the Mills River Town Council cannot support the imposition of further restrictions on property owners which will impede the full use and enjoyment of their properties for no reason other than Boylston Creek or its tributaries crosses the affected parcels.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MILLS RIVER THAT:


The Town of Mills River Town Council in response to a majority of it's citizens opposes the amendment to Rule 15A NCAC 02B.304, the designation of Boylston Creek and its tributaries as a Class C Trout Stream, and the imposition of any restrictions relating to that designation on the adjacent property owners; and requests recommendation for further legislative review and disapproval of the rule change.

Approved and adopted this the 28th day of October, 2010.

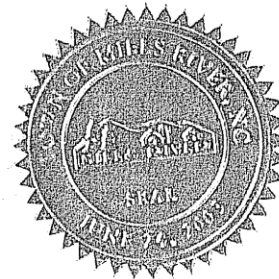
ATTEST:



Roger D. Snyder
Mayor



Susan L. Powell, CMC
Town Clerk/Tax Collector





**A JOINT RESOLUTION
IN OPPOSITION TO RECLASSIFICATION
OF BOYLSTON CREEK
TO A CLASS C TROUT STREAM**



Town of Mills River Resolution No. 00061 Transylvania County Resolution No. 45-10

WHEREAS, the North Carolina Department of Environment and Natural Resources, Division of Water Quality proposes to change French Broad River Basin Rule 15A NCAC 02B.0304 to designate portions of Boylston Creek and its tributaries lying within the Town of Mills River and Transylvania County as a Class C Trout Stream; and,

WHEREAS, Boylston Creek and its tributaries are located in Henderson and Transylvania Counties, with the majority within the corporate boundaries of the Town of Mills River; and

WHEREAS, on September 25, 2008 the Mills River Town Council passed Resolution 00043 In Opposition to Boylston Creek Trout Stream Designation and on March 26, 2009, passed a Resolution in Opposition to Amendment of Rule 15A NCAC 02B.0304 and Request for Legislative Review (00046); and,

WHEREAS, on October 27, 2008, the Transylvania County Board of Commissioners passed Resolution 44-08 In Opposition to Boylston Creek Trout Stream Designation, and on April 13, 2009 sent a letter signed by Jason R. Chappell, Chairman to the Office of Administrative Hearings expressing its opposition to the rule amendment; and,

WHEREAS, on March 12, 2009, the Environmental Management Commission met and upheld the rule change, and received hundreds more than the required minimum of ten (10) written objections necessary to have legislative review; and,

WHEREAS, Senator John Snow introduced Senate Bill 1259 to disapprove the rule change as adopted by the Environmental Management Commission on March 12, 2009, and as approved by the Rules Review Commission on April 16, 2009; and,

WHEREAS, Senate Bill 1259 was reported favorably by the Committee On Agriculture/Environment/Natural Resources, passed the second and third reading of the General Assembly, was referred to and received a favorable report from the Committee on Environment and Natural Resources, and was referred to the Committee on Judiciary I; and,

WHEREAS, the proposed bill was revised and resubmitted as Senate Bill 1259 and House Bill 1677 requiring two (2) additional public meetings and changing the proposed effective date to July 1, 2011 without having been heard by the Judiciary I Committee; and,

WHEREAS, Senate Bill 1259 and House Bill 1677 were passed as Session Law 2010-157 and signed by Governor Beverly Perdue on July 22, 2010; and,

WHEREAS, the public meetings were held October 26, 2010, one in the Town of Mills River and one in Transylvania County, and residents' comments and opinions remained strongly opposed to the reclassification of Boylston Creek to a Class C Trout Stream; and

WHEREAS, the proposed amendment to Rule 15A NCAC 02B.0304 will impose restrictions upon property owners adjacent to Boylston Creek and its tributaries and impede the full use and enjoyment of the affected properties; and,

WHEREAS, the Mills River Town Council and the Transylvania County Board of Commissioners jointly and separately cannot support the imposition of further restrictions on property owners within their jurisdictions which will impede the full use and enjoyment of their properties for no reason other than Boylston Creek or its tributaries crosses the affected parcels.

NOW, THEREFORE, BE IT RESOLVED JOINTLY BY THE TOWN COUNCIL OF THE TOWN OF MILLS RIVER AND THE TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS:

The Town of Mills River Town Council and the Transylvania County Board of Commissioners do jointly find that the amendment to French Broad River Basin Rule 15A NCAC 02B.304, the designation of Boylston Creek and its tributaries as a Class C Trout Stream, and the imposition of any restrictions relating to that designation on the adjacent property owners will adversely affect it respective residents; and, the Mills River Town Council and Transylvania County Board of Commissioners do strongly oppose the amendment; and request recommendation for further legislative review and disapproval of the rule change.

Approved and adopted the 28th day of October, 2010 by the Mills River Town Council. Approved and adopted the 8th day of November, 2010 by the Transylvania County Board of Commissioners.

TOWN OF MILLS RIVER



Roger D. Snyder, Mayor
Mills River Town Council

TRANSYLVANIA COUNTY



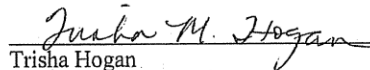
Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

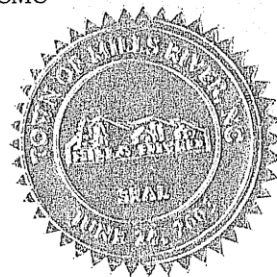


Susan L. Powell, CMC
Town Clerk

ATTEST:



Trisha Hogan
Clerk to the Board





COMMENTS

re-class of Boulston creek passes IS THE SAME AS having a little cancer. It will spread throughout the county & ruin our county. Strip us of our property rights.

Joy Galloway

BREVES

Why should we let the government control what we can & cannot do on our own property, we will soon have Socialism & the government will control everything. I am against this very much.

Ruth English

COMMENTS IN SUPPORT FOR THE TROUT WATERS RECLASSIFICATION OF
BOYLSTON CREEK

Submitted between October 15, 2010 and November 9, 2010

Dear Adrienne, NCDENR, and state officials,

My husband and I will be traveling when you conduct your public meeting regarding Boylston Creek in Mills River NC next week, but I would like to send in a written comment. I am a native North Carolinian and have lived in our beautiful mountains for 30 years. I am very concerned about the quality of our water and was very glad to see that Boylston Creek supported native trout populations. I strongly believe that we should keep that designation. Protecting the quality of this water-rich part of the state is critical. We live in the headwaters of rivers that run to several surrounding states and I think we have a moral obligation to keep it as clean as we can while it is on our soil. The restrictions (buffer requirements) that are placed on landowners in the Boylston Creek area are minimal, and should be required and enforced to maintain the trout stream habitat. These fish are very sensitive to sediment. I believe that our native flora and fauna should have protection because they are a critical piece of the web of life that supports us all. Please make sure this stream maintains the highest ranking possible. Thank you for listening to the public in this matter.

Sincerely,

Katie Breckheimer
1393 Macedonia Rd
Saluda NC 28773

Hello Adriene Weaver

I am unable to attend the Public Meeting tomorrow because I work until 5:00 on the other end of the county. It is absolutely imperative that Boyleston Creek remains classified as a trout stream so that increased seimentation can be prevented allowing the trout population to thrive. The trout in our rivers deserve protection for their own viability as well as for the fly fisherman who enjoy the catch and release sporting activity. Thank you for your attention to this urgent matter,

Adriene.

Best,

Martha Howell
Director for Community Enrichment
Blue Ridge Community College
180 West Campus Drive
Flat Rock, NC 28731

Adriene,

I have to first thank you for conducting a very good and informative meeting for the people of Henderson County. You did a good job of educating the people and I hope there were those in

the group who learned from your information. However I did not see but three people that I knew as locals from Mills River. I came to Henderson County forty-four years ago as a biologist/botanist. I found a job teaching at Mills River. At that time, as standard farm practice, farmers knew that one should always leave buffers around streams. Waters were clear and the community valued their heritage for the future. It was an ideal place for me as I came from a tobacco farm in the Pee Dee area of South Carolina. A twenty-five foot buffer is nothing in comparison to what my husband and I have on our farms in North and South Carolina. We try to be good stewards on our land. Increased development, producing stormwater runoff has polluted our streams in Henderson County by sending increased amounts of sediment down our streams. ECO's water quality testing over the past twenty years has demonstrated that Boylston Creek has a growing sediment problem as a result. The legislature should not intervene in this sensitive issue to overturn what professionals have researched and exhibited. Thank you for being a good public servant and helping protect our land and water for us and future generations.

Linda Anderson Bruton
103 Estate Drive
Hendersonville, NC 28739

Dear Ms. Weaver

Thank you for the valuable information you presented yesterday at the Mills River Community Center in Henderson County concerning the protection of aquatic life and sediment control within Boyleston Creek. Please enforce the twenty-five foot trout buffer to ensure protection of our creeks, streams and waterways from sediment. Clean water gives life to all plants and creatures on this earth. I am alarmed by the news of water pollution in the Gulf of Mexico, rivers in Haiti causing cholera and people dying of cancer from contaminated water from the Yahtzee River in China. We must be responsible and create the necessary buffers according to the Clean Water Act to prevent harmful sediment from leaching into our drinking water sources. Let us do the right action and protect our valuable streams from pollution for our children and future generations.

Sincerely,
Marian Soss

Dear Ms. Weaver,

Thank you for the valuable information you presented yesterday at the Mills River Community Center in Henderson County concerning the protection of aquatic life and sediment control within Boyleston Creek. Please enforce the twenty-five foot trout buffer to ensure protection of our creeks, streams and waterways from sediment. Clean water gives life to all plants and creatures on this earth. I am alarmed by the news of water pollution in the Gulf of Mexico, rivers in Haiti causing cholera and people dying of cancer from contaminated water from the Yahtzee River in China. We must be responsible and create the necessary buffers according to the Clean Water Act to prevent harmful sediment from leaching into our drinking water sources.

Let us do the right action and protect our valuable streams from pollution for our children and future generations.

Sincerely,
Tarleton Brooks

Dear Ms. Weaver;

I'm a resident and homeowner in Hendersonville, NC. I see that there is still debate on the classification of Boylston Creek. It's my opinion that we must have it classified as a Class C trout stream to ensure water cleanliness. Trout life, wildlife and ultimately our lives depend on this. Let's do the best we can to keep sediment out of our streams and rivers. Thank you.

Sincerely,
Michael Reim
411 Stoney Mountain Rd
Hendersonville, NC 28791

Please count me a supporter of the reclassification to class c trout waters. the people objecting to this are either ideologues, or want the option to disturb the creek with unregulated development in the future; it's hard otherwise to understand the objection to such a minimal level of government regulation. All of these arguments notwithstanding, the current property owners, however responsible they may be, cannot ensure that future owners will also be responsible, while state regulations can. As a fly fisherman, this is an issue which is near and dear to my heart; as a landowner on another NC mountain creek, I would gladly support reclassification, buffers, etc, on my own creek.

James E. Radford, Jr., MD
Hendersonville, NC

I am writing because that I want Boylston Creek to remain classified as a trout stream.

Not doing so could establish a dangerous precedent that flies in the face of the Clean Water Act and restricts DENR's ability to be proactive in protecting water quality. Although North Carolina supports the largest native trout populations in the southeast, more than 80% of our trout streams no longer support trout, so this is a huge problem and a dramatic loss of our natural heritage and that's why it is so important to me.

Thank you.

Martha O. Huggins
108 Stepp Ponderosa Trail
Hendersonville, NC 28792

Dear Adriene Weaver,

I would like Boylston Creek to remain a trout stream.

Thank you,

Lorraine D. Seger

Dear Ms. Weaver,

I am writing to you to state that I want Boylston Creek to remain classified as a trout stream. I believe keeping these important streams as pure as possible is necessary to preserve and protect our water supply over the next decades. Thank you for your consideration of this request.

David Doidge

116 Jenny Lind Drive

Hendersonville, NC 28791

Dear Ms Weaver,

Trout streams in Western North Carolina are becoming fewer as more people are coming to our area to live and vacation. Damage to our streams are resulting from over building as well as thoughtless people. If this trout classification is changed here in Henderson County, it will be setting a precedent for lengthy court cases which will cost the tax payers more money.

Sincerely yours,

Jefferson H. Bruton

Dear Ms. Weaver,

I am a resident of Hendersonville, NC and want to express to you my sincere hope that Boylston Creek will retain its classification as a trout stream. I am proud of North Carolina's environmental concerns and actions and hope this continued classification is a part of that wisdom.

Sincerely,

Mary Page Sims

3017 Cove Loop Road

Hendersonville, NC 28739

I wish to convey to you that I support the position that Boylston Creek remain classified as a Trout stream.

Edwin Blaauw

Hendersonville, 28739

I am a lifelong resident of North Carolina, an avid trout fisherman, and a property owner. I am firmly in favor of protecting all western streams with at least a 25 foot buffer. Please protect Bolyston Creek and keep its classification as a trout stream. Those buffers protect everyone downstream and help property owners with buffers to be better stewards of the land.

Alexander ""sandy"" Schenck

Executive Director, Green River Preserve

We are writing to urge that Boylston Creek's classification remain as a trout stream.

Sincerely,

Phillips and Karen Cutright

Please keep boylston creek as a trout stream. 80% of the trout streams in NC no longer support trout,so you can see why this is needed.

Wendell Capes 622 Willow rd Hendersonville NC 28739

Let's keep Boylston a trout stream.

Thanks, Richard Bobb.

Please do all you can to protect the trout. Twenty-five feet is minimal and reasonable.

Thanks!

Rick Merrill

599 Red Fox Lane

Flat Rock, NC 28731

I am writing to ask that Boylston Creek remain designated as a Trout Stream. I believe it is important to maintain the trout stream both for clean water and our economy.

Thank you, Nancy McClung

I want Boylston Creek to remain classified as a trout stream.

g a b e s p e n c e r

Van Wingerden Greenhouse Company

4078 Haywood Rd.

Mills River, NC 28759

To whom it may concern

Please count me as a voice in support of the ""trout Stream Classification "" for Boylston Creek.

I do value personal freedom and rights, and I think everyone wins if we protect our collective environment, especially when part of the environment is so intertwined with the other waterways. I am a General Contractor here in Asheville, NC. and I have seen houses literally built right over streams with glass porch floors looking down below. If a stream holds high ecological value, I would hope that everyone could agree to respect such a place (It probably influenced their decision to move there in the first place). And I hope everyone can understand that there will always be someone upstream who can irrevocably damage a stream for everyone living below, making even their property less valuable. We must all work together to make agreements that respect our planet and each other. This stream clearly deserves our respect and protection. Then it will be there for generations to come. (safe-slope buildings will help prevent stream damage too)

Thank You for listening.

Carlton Craig
General Contractor

I would like to see Boylston Creek keep it's Trout Stream classification. All waterways should be protected even though they run through private property. Also we need to restore and protect the native trout in our waterways and other living plants and animals.

Barbi Davis. 594 Lake Rugby Drive
, Hendersonville, NC 28791.

Dear Ms. Weaver,

I am writing to ask that Boylston Creek in Henderson County NC remain classified as a trout stream. Declassifying Boylston as a trout stream could establish a dangerous precedent that is contrary to the Clean Water Act and restricts DENR's ability to be proactive in protecting water quality. High water quality is an important issue for me because it directly affects my health and quality of life. I understand that North Carolina supports one of the largest native trout populations in the southeast, more than 80% of our trout streams no longer support trout, so this is a huge problem and a dramatic loss of our natural heritage. Trout are relatively fragile fish, requiring clean, high quality water to survive and thrive. A trout fish kill usually signals the water being poised by chemical substances or high level of silt. Unclean water also drives up the tax payer cost of cleaning up the water for human consumption. As I understand the situation, the state legislature is trying to overturn the Boylston Creek reclassification because requiring 25 foot buffers along Boylston Creek is seen as a significant intrusion on property rights, even though the buffer regulations are very soft. Also, as you are well aware, the trout regulations are also mandated by the federal Clean Water Act. Again, Please Boylston Creek in Henderson County NC remain classified as a trout stream. Thank you.

Tony M. Womack
102 West Pinecrest Drive
Flat Rock, NC 28731

Ms Weaver

I would like to register a vote in favor of declaring this creek a trout stream even though it puts set back restrictions on the land. What the current property owners dont seem to get is that 10-25 years from now if they sell the land nothing will prevent the new owners from doing development on the bank and fouling the water. They do not own the stream and if we dont protect it now it will be lost forever.

Thank you for your time and consideration

Don Cooper
Financial Advisor
Edward Jones
900 Fleming Street

Hendersonville, NC 28791

Dear Adriene,

Please put me down in the column ""Supports Boylston's Creek as a trout stream"". As a kayaker in the area, it sickens me to watch cows wandering into the stream ""doing their business"" if you know what I mean. A buffer would be a great thing. Vote in favor of the ones who cannot talk (the fish).

Mark Fransioli

330 Sweetwater Hills Dr

Hendersonville, NC

I am writing to express my opposition to the move underway to have the Trout Stream classification mandated by the Clean Water Act overturned. If every time disgruntled landowners disagreed with the law, then the law would become emasculated and meaningless. Contrary to assertions of the local representatives in the NC legislature who are espousing an overturn of the classification, there are sedimentation and other adverse circumstances affecting trout habitat that are clearly shown by testing of the Creek waters. The 25' buffer required by the law is unlikely to cause any significant ""damage"" to landowners along the stream, and there are provisions in the existing law that may be applied in the limited situations where affected landowners can demonstrate good reason to be granted a waiver. What is involved in the opposition to the Trout designation is merely a reaction by people who get stirred up by potential limitations to ""private property rights"" that some consider inviolable. In fact, the Trout designation is likely to enhance the value of the properties along the Creek.

James R. Monahan

Dear Adriene;

This is just a short note to let you know I support the reclassification of Boylston Creek to a Class C Trout Stream. To me, a 25 foot horizontal setback from the stream edge is of minimal impact to property owners, and it's essential as a buffer to sediment and storm water runoff. My property in Hendersonville touches on a stream, and I wouldn't disturb it for the world. And I'm grateful my upstream neighbors let it run its natural path also, with no development. Thanks for your attention in this matter.

Michael Reim

411 Stoney Mountain Rd.

Hendersonville, NC 28791

This stream should be preserved as a designated trout stream. As you are aware the number of such streams keeps shrinking. We need to work at keeping what we've got! Thanks for your efforts in this regard.

Norm Green

Boylston Creek ought to remain classified as a trout stream period

Lori Wilkins

AmeriCorps Outings & Education Coordinator

WNC Alliance

Dear Adriene, I urge you to retain the classification as a trout stream for Boylston Creek. This is one case where we have to draw the line in favor of the Clean Water Act and the natural habitat for our trout. The arguments on the other side are not persuasive. The 25 foot buffer is reasonable and does not cause undue hardship on the landowners. Let's take care of what we've got!

Sincerely,

David

Sweatt, 46 Haywood Street, Suite 214

Asheville, NC 28801

Dear Ms. Weaver,

I am an active land developer and investor and I strongly support Bolyston Creek continuing to be classified as a Trout Stream. Please make the appropriate note of my support and concern for it's future.

David M. LaFave

Managing Director

LandSmiths LLC

P.O.Box 41

Saluda, NC 28773

Protect Boylston Creek's Trout Stream Status! more than 80% of our trout streams no longer support trout, so this is a huge problem and a dramatic loss of our natural heritage. Please keep their status as a classified trout stream.

Thanks!

Jessica Carson

I am writing to ask you to retain the trout stream classification and the resulting 25 foot buffers. Since there are so few streams supporting native trout, we need to protect all the ones that can. In volunteering with Clean Water North Carolina and the VWIN water monitoring program that ran at UNCA for 20 years and is in at the Western Caroilna Alliance, I have learned what a problem sedimentation is. The buffers would help water quality at Boylston and everywhere downstream. From what I read, it does not seem like the property owners would be excessively constrained. ""The system"" needs to protect the common resources, such as our wate,r as we cannot depend upon individuals to always be responsible.

Thank you for your consideration of my thoughts.

Jack Saye

Please keep Boylston Creek classified as a trout stream.

Thank you.

Jim/Joleen Greenwood

Spring Creek, NC.

"I support clean water. please keep Boylston Creek designation as a trout stream.

Thank you.

Bob Cozart -Fairview, NC

Dear Ms. Weaver,

I'm writing to request that DENR please keep the classification of Boylston Creek as a trout stream. I think it's critical to the environment to preserve the status of this creek.

Thank you,

Heather Rayburn

96 North Holland St.

Asheville, N.C. 28801

Hello Adriene,

Please add my voice to those requesting that Boylston Creek remain classified as a trout stream.

I think this is in all of our best interests for the long run.

Thank you for all you do.

Sincerely,

Bonnie Gramlich

Scaly Mtn and Franklin, NC

Please, let us keep Boyleston Creek ans a trout stream....we need nature and nature needs us...keep the food chin working!

Jane Stanhope

39 Chiles Ave

Asheville, NC 28803

Please accept the following comments regarding the above issue: I fully support the reclassification of Boylston Creek as trout waters. There is no question that the creek supports trout. The state is therefore legally bound to protect it as such. The 25-foot buffer is not a major imposition on property owners, it merely requires them to care for that buffer as they should in any case to protect the stream. North Carolina is losing its pristine streams at a rapid rate. If trout streams are not protected, we will lose our clean water and lose our fish. When fish are finding fewer and fewer clean streams to live in, we need to support their survival where that

survival exists. This is a really simple issue. Our clean trout waters must not and cannot be legislated or regulated away. It is the state's job to prevent such ""takings"" from the public's right to clean streams where they can wade, fish, and enjoy all the god-given benefits of healthy streams.

James Carroll
PO Box 815
Bakersville, NC 28705

dear ms weaver:

i wish the legislature to know that i fully support the reclassification of Boylston Creek as a trout stream. please let this be noted.

thank you.

john baker
251 wiltshire circle
fletcher, nc 28732

Dear Ms Weaver,

Please support the efforts of those working to keep Boylston Creek classified as a trout stream. From what i have read, i understand that it is very important to keep this creek full of clean, life giving to trout and other creatures, water. Declassifying this important waterway could possibly cause some to think that it would then be easy to reclassify other streams. This could start a danderous precedent that flies in the face of the Clean Water Act and restricts DENR's ability to be proactive in protecting water quality. I have read that over 80% of our trout streams no longer support trout. This means we cannot really call them trout streams. And thousands of people come to North Carolina to fish for trout and spend their money in our beautiful state. Although North Carolina supports the largest native trout populations in the southeast, this 80% translates to BIG problems and a dramatic loss of our natural heritage.

Thank you so much,

Sincerely,
Roberta Greenspan

Ms. Weaver:

I have been made aware of the state legislature attempting to overturn the Boylston Creek reclassification as a trout stream. This is a trout stream! Property owners along this stream should respect that and act responsibly to obey the Clean Water Act and protect the stream with the a 25 foot buffer. Protecting our North Carolina natural resources should be a high priority with everyone. I urge NCDENR to hold your ground and not give in to the vocal minority who have misconceived property rights ideas. Please retain the classification of Boylston Creek as a trout stream.

Rick Hybil
999 Utsonati Lane

Brevard, NC 28712

Dear, Ms. Weaver,

If at all possible I would like the following comments to be considered when making your report to the General Assembly's Environmental Review Commission on the Class C Trout Water land use regulations in the Boylston Creek watershed. While many, including myself, support the stated goals of the this action, it seems very clear that implementing it must take into consideration many unintended impacts to the usability and value of the properties that are affected, and the quality of life of the many families who live on and have invested their life savings in those properties. In many cases these are families who have taken great care to protect the waterways on their properties, and have gone to great expense and effort to improve those waterways with erosion control, and silt abatement projects over the past 20 years. It is without a doubt, an unjust application of the law to treat these people as if they were callous developers looking to exploit the mountains' resources to make a quick buck. A vast majority of these property owners are in fact people who only want to maintain their properties in their current state and live out their lives on them. With this in mind I believe that the legislature, before it takes any action that paints all of the property owners within the watershed with a single brush, should add provisions to the law that implement a blanket exemption that would allow land owners to, at the very least, maintain their properties in their current state with existing structures and landscaping, and to continue their current conservation and silt abatement projects undisturbed by additional regulation, paperwork and licensing fees. I base this recommendation on the following three observations. First it should be noted that with the properties in their current configuration, the waterways in question were found by the state to be sufficiently clean and hospitable to trout and other wildlife, to meet the high standards required to be rated as Class C Trout Waters. It would, therefore follow that maintaining these properties in this same configuration would continue to sustain the high levels of water quality that the state inspectors found in their investigation. To add additional regulation to these property owners who have proven, in many cases for decades, their ability and intention to be good stewards of the waterways that cross their properties, would not only be an inappropriate penalty for all of their hard work, care, and expense; but would require the expenditure of tax dollars to regulate and enforce a situation that has, on these properties, never been a problem. Second, a wide range of unintended consequences would be caused by the blanket enforcement of the regulations. In some places, property owners would no longer be able to maintain roads that serve as the only access to their property. This would require them, at additional personal expense and effort, to apply for waivers and seek clearance to keep these roads in a condition appropriate to allow safe right of way for their personal vehicles as well as allow appropriately access by emergency vehicles to protect their homes and families. In other areas, waivers would be required to allow communities to maintain communal picnic and swimming areas. These areas have been maintained as safe places for children and families to play, eat, fish and boat, yet have, since their creation shown little or no appreciable erosion. Additional locations can be pointed out

where property owners would be forced to seek waivers to maintain the homes that they live in, and keep undergrowth away from their buildings and driveways. Finally, there is precedent for granting blanket exemptions to these Trout Water Classification regulations. Under certain fairly broadly defined situations; agriculture, forestry, and mining concerns are exempt from these regulations. It would seem reasonable that individual homeowners who have demonstrated an ability to maintain high water quality in water that crosses their property should be given at least as much latitude as commercial concerns that have, as a group, generally not had anywhere near as successful a track record for protecting the environment. I for one, completely understand the need for each of us to make sacrifices for the general good, and I am certainly as dedicated to the protection of these waterways as the state - perhaps more so, since one runs within 25 feet of my home. That said, I also see the need to reward those property owners; who have taken the personal responsibility, without state regulation, and without the threat of fines and penalties; to effectively protect the quality of the water and the habitat for fish, to a high enough standard to earn a Class C Trout Water certification. At the very least they should be granted the right to maintain their properties in the current configurations that have proven effective, through the test of considerable time, in maintaining clean water, with low silt content. For these reasons, I respectfully request that the legislature or the appropriate regulating offices in the NC Department of Environmental and Natural Resources consider granting a blanket exemption for private property owners to maintain their properties in their current condition and configuration without further need for permit or waiver application.

Respectfully,

Leon S. Hirsh

61 Lakepoint Dr.

Pisgah Forest, NC 28768

Good morning Adriene. I wanted to drop you a quick line to show my SUPPORT for the classification of the Boylston Creek as a trout stream. 25 feet of buffer???????????I'm astonished that more people wouldn't be up in arms for MORE of a buffer! Native trout are as much of a part of this area as we are and we need each other to thrive and survive. No ""landowner"" should feel as though this would intrude on their personal property. They are free to do what they wish with their gardens, the trees, their home and their overall lifestyle but to want more of this land is simple greed at its worst. While not an avid fly fisherman, I've fished this creek before. More importantly, my sons have played in it. This creek NEEDS to remain classified as is and MUST remain. Our ecosystem depends on it.

Thank you,

Jason Hilliard

Hendersonville, NC

Dear Ms. Weaver -

I would like to express my support of Boylston Creek remaining classified as a trout stream. I would encourage 25 foot plus buffers as an environmental protection since sediment is one of the

most damaging things for a trout stream. I used to work for the Green River Preserve in Cedar Mtn. as a stream ecologist & have seen firsthand the impact of silt on trout headwaters. Sandy Schenck, the owner, always kept at least 25 ft. buffers or more on any cleared land to protect the streams. Our mountain trout streams are a treasure and need to be protected! Please keep Boylston Creek classified as a trout stream.

Thank You.

Lynn Fink
504 Katydid Lane
hendersonville, NC 28739

Boylston Creek needs to remain classified as a trout stream. The restrictions to land owners regarding the 25 foot buffers are soft and livable. We must think of the future of NC and the common good. Thank you.

Virginia S. MacDonald
Resident, Transylvania Co.

Boylston Creek should remain classified as a trout stream.

Grady Morgan
17 Grove Circle
Brevard, NC 28712

In Order to Protect Boylston Creek's Trout Stream Status: Until recently I owned farm property along the creek. There are native rainbow in the creek, here and there. I would like for it to be classified ""trout"". The problem with the farmers is the 25'buffer on each side of the creek. Cut it back to the top of the bank and the trout will win. 25' is an arbitrary figure that someone came up with that fits all creeks and rivers under consideration. A small creek like Boylston doesn't need as wide a buffer as would the French Broad River. Just vegetate the banks and the creek will do fine.

Edward Ingle

I was not able to attend the meetings regarding Boylston Creek. I want you to know that I support the classification as a trout stream. For years, my ECO team and I tested that stream. We kept it for last, because it was the best of the ones we tested. Unfortunately, in the last 3 years that I tested it, it went downhill drastically. We no longer looked forward to testing it because it had deteriorated. Lots of sediment had filtered in to kill and bury the many invertebrates we used to find. PLEASE ALLOW THESE STREAMS TO COME BACK BY PROTECTING THEM. Also, many fisherman come here to fish. Our economy needs their business. Let's help our environment and our economy!

Sincerely ,
Marijane Pell

This is one of many important trout fisheries in the area and needs full protection. To allow this stream to be degraded is a crime that will haunt all of us for years.

Thank You,

William A. Fisk

125 Chimney Glen Dr

Hendersonville, NC 28739

I want Boylston Creek to remain classified as a trout stream.

John Lampert

Brevard, NC

Adriene Weaver

NC DENR Division of Water Quality Classification and Standards Unit Keeping the water of Boylston Creek at its present high quality is important to me and to the people of North Carolina. Therefore I support the classification as Trout Waters and urge that they be protected to the fullest extent possible.

Elmer E. Ollikkala

126 Udvawadulisi Court

Brevard, NC, 28712

Dear Adriene Weaver,

I am writing in support of the Boylston Creek classification as a Trout Water. I understand that people who own land along its banks have concerns, but some of those concerns are held in error. It is important that people get correct information about how the classification would affect landowner rights. Landowners need to know: Trout buffers do not give the public permission to access private property for any reason. Routine maintenance of private property is not considered a "land-disturbing activity" of the type that is prohibited in the trout buffer. When land disturbing activity in the trout buffer is unavoidable, the state has the authority to grant variances that allow temporary and even permanent activities within the buffer. Agricultural lands are exempt from the buffer requirements and the buffer would not decrease land area available for farming or grazing. I am originally from Vermont, where trout fishing is a cherished activity. Vermont is also a state that works aggressively to protect the environment, sometimes from the excesses of private landowners. Somehow, we all survived those protective legislative actions and the state remains beautiful and productive. I think the North Carolina DENR might take a page from the Vermont playlist, and work with landowners, to get everyone on the same page, because we all want our beautiful state to thrive and remain whole.

Sincerely,

Cathy Scott

The Pennsylvania retiree who commented at the end of the 10/26 hearing in Mills River claimed devotion to Boylston Creek but finished on the theme of using his ""Fifth Amendment right"" (ie avoid self-incrimination)in selling out. He claimed he would not be legally required to reveal the 25-foot buffer requirement, when he sells. He went on to warn others of the specter of being sued by buyers in that case. His real interest seemed to be in moving away and not remaining as a devoted resident. My interest is in guaranteeing good standards for our watershed and drinking water. As a researcher under the famous physicist VanAllen (theorist who predicted the earth's VanAllen radiation belts) wrote in a thesis: The initial signs of ""global warming"" will be the increase in precipitation and violent storms. Natives around the world have commented on extreme storms which exceed 100-year experience. If we can take moderate and low-cost steps like stream buffers on Boylston, we can protect both water quality and the 3-5' chunks of property that we've seen falling into creeks within just the last 5-10 years. Please retain the trout-stream classification of Boylston.

Thank you.

Helen Struve, 696-8471

I believe it is of paramount importance to have Boylston Creek REMAIN classified as a trout stream. We have to protect our trout....our water quality. We have to look at ""property rights"" sometimes as what is in the highest good for all life. Thanks for what you do.

Sincerely,

Aklea Althoff

Franklin, N.C.

I attended one of the public meetings last week. It is difficult to place the reclassification in the larger picture. No mention was made of what percentage of trout streams have been lost due to development although ECO claims 80%. Doesn't Boylston Creek contribute to the French Broad River and thus drinking water? What about this? Also saw a newscast about the Creek and one landowner was saying the reclassification would prevent him from building. That is not the impression I got from the meeting I attended. Perhaps some examples of buildings that could be put in the buffer zone should have been presented. Why is the presence of trout not considered an asset? Seems to me a landowner could charge for fishing access if he wanted. The present landowners probably are taking good care of the Creek, but what about the future. They are not going to live forever, and descendants may sell the property. If the buyers do not share the values and develop extensively would sediment become a problem? If so, how could it be dealt with? Would that be costly? In view of the above, I would support classification of Boylston Creek as a trout stream. When I left the meeting I overheard some folks saying that the NCDENR presentation was propaganda. Unfortunately, it appears that some have made up their minds without considering the larger picture. It may be due to the times in that people are generally dissatisfied with government actions.

Sincerely,

LeRoy W. Schroeder

The political motivation behind the Oct 26th meetings held in Transylvania and Henderson Counties was disappointing. What an inappropriate display of pandering for votes by County Commissioner candidates, House Rep. Guice and ex Senator Snow at what was supposed to be about the reclassification details. It is true... Deception, Misinformation, and Fear fueled articles have been repeatedly published in Transylvania County by the Transylvania Times and the Mountain Voice. Unfortunately, this printed misinformation has played key role in stirring up the opposition to the reclassification of Boylston Creek, and perhaps future regulations of any kind. I support the reclassification and disagree with the point of view that implementing a 25 foot buffer to the waters in the Boylston watershed will be a "taking" of private property, and subsequently be the cause of property devaluation. To the contrary, I believe it will increase property value and is a reasonable way to manage the water quality of affected rivers and streams. What a blessing to have a "Protected Trout" stream in your backyard. The reclassification should be considered far superior to just "leaving it up to individual landowners" to discern and conclude the best clean water strategy. I am sure those opposed are all good people, but after attending the public meetings, I can safely assume water and resource management may not be their focus or expertise. Please recommend the reclassification stands and the effective date proceeds as planned.

Regards,

Johnny Yother

There are many opinions being voiced about why the current Boylston Creek Trout Reclassification should be overturned, and my understanding of those opinions leads me to think that many of them are based on a fundamental misunderstanding that trout classification which requires a minimum 25 ft. wide buffer on either side of trout streams will give the public permission to access private property. In addition agricultural lands are already exempt from buffer requirements and the buffer would thus not lessen the land available for farming or grazing. We have already lost, and continue to lose water quality due to sediment and water quality diminution from development runoff. Little by little the rural quality of the North Carolina is being eroded, and with it the opportunity for trout fishing which brings over \$178 million into the State's economy is fast disappearing. The 25 foot buffer required to be left intact along the streambed of trout streams has historically rarely had much impact on landowners, but definitely has a serious impact on the trout population if farmland is converted to development land without strong buffer protections. Please, please stand up for the commonsense preservation of the fragile environment of North Carolina's mountain streams, and don't overturn the Boylston Creek Reclassification in place now.

Sincerely,

Dr. Barbara J. Hodik

Ms Weaver,

I am a resident of Henderson County and I want to say that I strongly support the reclassification of Boylston Creek as a Class C Trout tributary. As you know, buffers are essential for healthy streams. Boylston Creek is trout habitat and should be protected from the effects of erosion. Reclassification does not interfere with the farming economy, and will enhance the tourism and recreation economy.

Thank you for your help in this important matter.

Susan J. Williams
Hendersonville, NC

Dear Ms. Weaver,

Please do whatever it takes to protect Boylston Creek as a trout stream. Thanks,

Ernest & Jeri Peterson
129 Old Barn Road
Hendersonville, NC 28791

Please preserve Boylston Creek as a protected stream. The trout will love you and so will the people of North Carolina.

Thank you.

Lee Luebbe
4017 Little River Road
Hendersonville, NC 28739

We need Boylston Creek to be classified as a trout stream requiring a 25 ft. buffer because trout are especially sensitive to sediment and increases in water temperatures. Trout buffers do not give the public access to private property and routine maintenance by landowners is not prohibited so long as ground cover is retained and shade is not removed so much that the water temperature rises. Maintaining this buffer not only helps the trout, but also the local economy. Trout fishing in NC brings in over \$178 million in the economy, and land that adjoins trout streams is considered more valuable land. We are famous for our beautiful land and trout streams. It is important for us to protect each and every source of revenue possible.

Thank you,

Helen Leino
Hendersonville

Dear Ms Weaver,

This email is to request that Boylston Creek REMAIN classified as a trout stream. I was unable to attend the recent local meetings where this was discussed and understand from the reports that there was opposition to this classification. I believe this opposition is largely unfounded fear that the government will prevent property owners from normal use of their property. We moved to

this area with one of the major reasons being the natural beauty of the area including the beautiful streams, many of which support trout. We often travel by Boylston Creek and have been impressed by the streams beauty and clear water. We were not surprised to learn that brook trout are in this stream. Brook trout of course require very pure and cold water so the basic land use protection provided by the trout stream designation should be maintained for Boylston Creek. The property owners have been doing a good job protecting this stream so all that is being requested is that they continue to protect the creek. Once silt, erosion and other damage occurs in a trout stream, it normally is almost impossible to correct to the former brook trout habitat condition. I have trout fished for over 50 years and have witnessed the degradation of streams caused by improper land uses and/or misguided flood control work. We do not believe streams should be classified by the general legislature and that the qualified people in your office are much better trained to make these important decisions. Please keep Boylston Creek classified as a trout stream.

Thank you for your consideration.

Richard G. Schaad

241 Waterfall Cove

Hendersonville, NC 28739

Dear Ms Weaver,

I stongly support protecting the Boylston Creek waters with trout stream status and the 25 foot buffer mandated by the Clean Water Act. Those who own property along Boylston Creek may feel their property rights are infringed, but, in the long run, their property values will decrease if water quality deteriorates. It is for their children, their children's children, and stewardship for the entire ecosystem that we must urge these property owners to accept the stringent Clean Water Act guidelines. I belong to ECO, the Environmental and Conservation Organization, and to the League of Women Voters, both of which endeavor to safeguard our beautiful mountain environment for present and future generations.

Sincerely,

Sharon Burlingame

Good morning:

I am a member of our local League of Women Voters Henderson County, and of ECO, Environmental & Conservation Organization, Hendersonville, North Carolina, and am dismayed by the NC Supreme Court's reversal on the requirement of 25 foot buffers for Boylston Creek..It seems to me that for every inch we gain, the realtors and real estate companies, construction companies, et al, roll us back miles. We can't preserve our environment at all for future generations, not this way. I definitely agree that Boylston Creek be classified as a trout stream requiring a 25 foot buffer because trout regulations are mandated by the Clean Water Act.

Thank you for all you do for our environment.

Linnea Angermuller

Ronald E. Angermuller

As a resident of Transylvania County, I want to express my support for maintaining the classification of Boylston Creek as a trout stream.

Peter R. Chaveas, Brevard, NC

Madam,

I would suggest that you continue to allow Boylston Creek to remain classified as a trout stream.

I believe this is necessary to support the provisions of the Clean Water Act.

Sincerely,

Thomas J. Joyce

PO Box 2542

Brevard, NC 28712

I support reclassification of Boylston Creek to remain rated as a trout stream and managed as such. Thank you. Debby Boots, 64 McCoy Hill Road, Franklin, NC 28724

Ms. Weaver-

It is recommended that Boyleston Creek be classified as a trout stream requiring a 25 foot buffer in accordance with the regulations mandated by the Clean Water Act.

Thank you in advance for your favorable consideration.

Helen L. Wright

Flat Rock, North Carolina

I strongly support that Boylston Creek be classified as a trout stream requiring a 25 foot buffer because trout regulations are mandated by the Clean Water Act. NOT doing it could establish a dangerous precedent that flies in the face of the Clean Water Act and restricts DENR's ability to be proactive in protecting water quality. This is a critically important environmental issue because our supply of adequate clean water is becoming compromised and likely to be scarcer yet as our crumbling infrastructure deteriorates and continues allowing more pollution, sewage, carcinogenic chemicals end up in our drinking water. Although North Carolina supports the largest native trout populations in the southeast, more than 80% of our trout streams no longer support trout, so this is a huge problem and a dramatic loss of our natural heritage. Buffer zones must be adequate to protect water and life. Do not act in a way that people look back and see this decision as part of our loss of trout and clean water that is happening some already!

Alice Ann Arrowood

307 Croydon Drive

Hendersonville NC 28791

Statement by League of Women Voters Henderson County regarding Boylston Creek the League of Women Voters United States supports the Clean Water Act and notes that the Clean Water Act covers all waters. The League of Women Voters Henderson County purports that land is a finite resource, not a commodity and carries with it the responsibility of stewardship. Therefore, the LWVHC recommends that Boylston Creek be classified as a trout stream requiring a 25 foot buffer because trout regulations are mandated by the Clean Water Act.

Barbara A. Barnett, Natural Resources Chair

League of Women Voters

602 Water Oak Lane

Hendersonville, NC 28791

It is recommended that Boylston Creek be classified as a trout stream requiring a 25 foot buffer because trout regulations are mandated by the Clean Water Act. Don't let private interests forgo what is right for our state

Barbara Garrison

Henderson County League of Women Voters

Chris North

1437-3 Landis Ave

Charlotte, NC 28205-3686

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Chris North

Nat Smith

2336 Providence Road

Charlotte, NC 28211-1802

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Nat Smith

John Eichorn
219 John Moore Road
Timberlake, NC 27583-9791
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
John Eichorn

Lee Perry
2711 Toxey Drive
Raleigh, NC 27609-7642
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek

in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Lee Perry

Tim Wilhelm
7626 Bedfordshire Dr.
Charlotte, NC 28226-7522
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Tim Wilhelm

Robert Goode
3 B & D Drive
Mills River, NC 28759-9784
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading.

Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Robert Goode

I am writing on behalf of the North Carolina State Council of Trout Unlimited to support the retention of the Classification of Boylston Creek in Transylvania and Henderson Counties as a Class C Trout Stream. It is important that we protect our cold water environment and the Trout populations that they support. North Carolina is fortunate to be home to one of the richest trout fisheries east of the Rockies. A recent study commissioned by the NCWRC demonstrated that Trout fisheries have a major economic impact on the economy of Western North Carolina.

We must, as stewards of the environment, protect what we have so that it may be enjoyed by future generations.

Jack A. Frisch, Ph.D.
Director of Water Quality
North Carolina State Council of Trout Unlimited

Jeffrey Little
2335 20th AVE CT NE
Hickory, NC 28601-7954
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Jeffrey Little

William Mabrey
759 Shea Street
Concord, NC 28025
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
William Mabrey

Howell Clark
po box 953
elizabethtown, NC 28337-0953
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Howell Clark

Vernon Hunter
1925 Sunset Drive
Raleigh, NC 27608-2453
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek

in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Vernon Hunter

William Thomas
1460 Howard Auman Rd
Asheboro, NC 27205-1389
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
William Thomas

Richard Hamilton
4913 Richland Dr.
Raleigh, NC 27612-3543
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides a 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can

still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Richard Hamilton

Robert Taylor
282 junny rd.
angier, NC 27501-8617
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Robert Taylor

James Kornegay
306 Japonica Drive
Camden, NC 27921-6928
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. I support maintaining the trout water classification for Boylston Creek.

Sincerely,
James W. Kornegay

Mike Thomas
PO Box 96

Crouse, NC 28033-0096

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Mike Thomas

John Flynn

1570 Howard Gap Rd

Tryon, NC 28782-8676

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

John Flynn

David Cox

1120 Robert Whitfield Rd.

Hurdle Mills, NC 27541-9109

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
David Cox

Hank Robson
1553 Oakwood Ave.
Kannapolis, NC 28081-8464
November 8, 2010
Adriene Weaver
Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Dale Petty
224 Mother Vineyard Rd.
Manteo, NC 27954-9548
November 8, 2010
Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This

classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Dale Petty

David Haggist
2391 Fairways Drive
Cherryville, NC 28021-2113
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
David Haggist

Warren Powell
2330 Middle Sound Loop Rd
Wilmington, NC 28411-7826
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property

as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Warren Powell

Ms. Weaver,

It has come to my attention that the state legislature is considering dropping the "trout stream" classification for Boylston Creek. I urge you to fight all such efforts. Although North Carolina boasts the largest native trout populations in the southeast, over 80% of our trout streams no longer support trout. Removing Boylston Creek from trout stream status will set a dangerous precedent.

Robert Milligan
512 Cheestoonaya Way
Brevard, NC 28712

Walton Pitchford
105 Keller Crt
Jacksonville, NC 28540-5314
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. I currently travel to western Virginia and NC to fly fish and feel this is a heritage worth protecting and supporting. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek. Also I

Sincerely,
Walton Pitchford

Carol Puckett
5825 Allwood Drive
Raleigh, NC 27606-9032
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek

in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Carol Puckett

Grady Barnes
1655 Evans Road
Franklinton, NC 27525-8105
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Grady Barnes

Mark Queen
18 Doshia Lane
Fletcher, NC 28732-7559
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading.

Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Mark G Queen

grady lucas
1012 s. franklin st
china grove, NC 28023-1912
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
grady lucas

Robert Tiffany
812 Norwood St
Fayetteville, NC 28305-4886
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Robert S. Tiffany III

Mike Duffey

Po Box 813

Granite Falls, NC 28630-0813

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Mike A Duffey

John Therrell

10 Eagles Roost Lane

Fletcher, NC 28732-7571

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

John Therrell

William ""Bo"" Cash

4515 NC 181

Morganton, NC 28655-9526

November 8, 2010

Adriene Weaver

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

William "Bo" Cash

Bill Banks

116 Gablewood Ln.

Holly Springs, NC 27540-8212

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Bill Banks

James Rice

4224 Laurel Ridge Dr.

Raleigh, NC 27612-5425

November 8, 2010

Dear Adriene Weaver:

I am writing as a professional fisheries biologist to ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. There are trout in this stream and it meets the habitat requirements for trout. These are the facts - therefore the stream should be classified as trout water and receive the appropriate protections - in this case, a 25-foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
James Rice, Ph.D.

David McGuire
45 King St
Sylva, NC 28779-3002
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
David McGuire

george seibert
25 Snipes st.
Marion, NC 28752-3368
November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This

classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
george seibert

I think it is very important to preserve Boyleston Creek as a trout stream. I sympathize with the farmers who wish otherwise, but the long term interests of the environment and the community outweigh, for me, the short term interests of adjacent property owners. It is much easier to preserve something in a quality state than to attempt to restore it in later years. Please keep the trout waters available for the future.

Thank you.
Carola Cohn
1547 Mt. Olivet Rd.
Zirconia, NC 28790

Holly Jacques

10001 Crackling Branch Court

Zebulon, NC 27597-9614

November 8, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Holly Jacques

Grant Keener
102 Deal Road
Franklin, NC 28734-9736
November 9, 2010
Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Grant Keener

Larry Hamrick, Jr.
1305 Merrimont Avenue
Kings Mountain, NC 28086-2624
November 9, 2010
Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Larry Hamrick, Jr.

Lenny Smathers

5562 Land Harbour Drive
Granite Falls, NC 28630-8737
November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Lenny S

Michael Murphree
3918 Gisbourne Drive
Jamestown, NC 27282-7706
November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Michael Murphree

keep boyston creek classified as a trout stream!
MtnBruin@aol.com

Harry Hunkele
207 Merriwood Lane

Hendersonville, NC 28791-3853

November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Harry Hunkele

Ms. Weaver et al--

I would like to voice my concern over Boylston Creek--I believe it should be designated a trout stream with 25 foot buffers maintained as per that designation. Too many of our area waterways are not providing needed habitat for species such as trout--please protect these streams before it is too late!

Thank you,

Beth Beasley

102 Poplar Spring Trail

Hendersonville NC 28739

Joe Lyle

818 S. White Street

Wake Forest, NC 27587-2961

November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property

as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Joe Lyle

Cynthia Dickerson

695 Garden Valley Road

Statesville, NC 28625-9428

November 9, 2010

Dear Adriene Weaver:

I sincerely ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification is defined to maintain high water quality while allowing land owners to still use their property according to other regulations. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Cynthia R. Dickerson

Anthony St Germain

49 Scenic Ridge Dr

Hickory, NC 28601-8853

November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

anthony St Germain

matthew benson

3821 arborway

charlotte, NC 28211-3709

November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

matthew benson

B.E. Perry

P.O. Box 71

Bunn, NC 27508-0071

November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

B.E. Perry

Dear Adriene Weaver:

Thank you for the opportunity to further comment on this important issue. The streams of the region, the vegetation and the wildlife, including fish, are an important part of our region's natural heritage, a heritage that has indeed earned the designation as the Blue Ridge National Heritage Area. The classification of Boylston Creek as a Trout Stream is an affirmation and recognition of the importance of this resource to the region. I was privileged to attend the excellent meeting in Mills River which brought together an assemblage of informed experts on

the issues involved, and I was happy that they were able to answer my many questions. Some information offered was indeed troubling: the potential severe impacts from the major development upstream that generated the classification necessity, the considerable potential cumulative impacts downstream that would impact many not directly adjacent to the stream in the County, and the ominous judgment that the Communists have taken over the country and the veiled threat of armed resistance to any direct intrusion on local properties. To be honest, what was most impressive, however, was the sense of stewardship for the stream demonstrated and cited by property owners and other County residents. And it is somewhat distressing therefore that some accommodation to varied perspectives on a shared goal could not be sensibly achieved. The greatest threat to the stream is the impact of potential future uses (such as the proposed major development) and a classification would seem to be the most effective regulatory designation (and compatible with other imperatives like the Clean Water Act) to prevent actions that would impact not only the adjacent property owners but also downstream residents as well. The program as presented appeared to offer great flexibility, although the practical problem may be inadequate staffing to implement and respond quickly to issues with appropriate communication and clarification. Yes, one does understand the desire to maintain a status quo without bureaucratic overlay, but the sad fact is that the status quo is very shaky and vulnerable to drastic alteration. In my view, the Classification, although nuisance sounding in its regulatory framework, is probably the best approach, although should another possible solution exist, it should be explored also. Again, what should not be lost is the rather striking consensus that the Stream is special and deserves the continuing stewardship that has been demonstrated by so many. What is necessary is the continuing resolve and consideration of actions that affirm this stewardship.

Ken Fitch

Steve Schmeiser
64 Rosebud Lane
Fairview, NC 28730-8721
November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,
Steve Schmeiser

Ms. Weaver:

I want to add my support to those seeking to ensure Boylston Creek retains its proper classification as a trout stream with the protections due under law. At the recent hearing in Mills River you heard many comments from local residents, but honestly, it was nearly all about property rights and precious little about water quality. This is not surprising; Mills River is like that. I serve on the Henderson County Environmental Advisory Committee, and have come to expect opposition on environmental issues from that part of the county. We (HC) recently voted to assume delegated authority for stormwater control and incorporated the ordinance into our Land Development Code. Mills River opted out of joining the rest of the county, worried that someday the county might strengthen the admittedly weak law. You are aware, and presented well the environmental issues, and to me these, as well as economic issues, are convincing, and impose little burden on the residents. In this regard I might call your attention to an article in the Hendersonville Times-News of October 28, Page D1. The Episcopal Church of the Holy Family has undertaken a project of streambank stabilization and buffer restoration, planned in cooperation with the Soil and Water Conservation District, on their property along Boyleston Creek. They have had erosion problems for years and it was estimated by SWCD that they've been losing something like 34 tons of soil/year. That's a lot of sediment in a relatively small stream from just one parcel of land. To those landowners who insist that they are taking good care of their riparian zones (if they know what that means) my answer is that maybe they are and probably they aren't. We need not wait for a major deluge to answer the question of who is and who isn't. The damage will already be done and the purpose of the law is to prevent just such an occurrence. It seems both shortsighted and selfish to oppose a relatively unintrusive law on the grounds I heard. In the long run, the EPA may have its say in enforcing the Clean Water Act and the restrictions may be more severe. A proper program of education helps in any situation like this and I hope that DENR/DWQ will include this component in any strong recommendation for maintaining trout stream classification for Boyleston Creek.

Richard DeSimone
Hendersonville, NC

Dear Adriene Weaver:

It is important that Boylston Creek remain classified as a Trout Stream. I realize that a number of the residents in the area are apprehensive that their immediate uses of stream bank might be restricted; however, the long range perspective for protecting our waters is at risk if we set a new precedent weakening the provisions of the Clean water Act. We urge you to be proactive in protecting fresh water for all the citizens and for posterity.

Thank you.

Eleanor D. Mockridge

Peter B. Mockridge
P.O. Box 626
Brevard, NC 28712

Friends

As I understand it the current classification of Boylston Creek is native trout water. I would ask that the classification remain native trout water to provide protection of the water quality and retain the trout habitat. I have visited the creek in several locations and the lower stretches are significantly degraded with silt from erosion. As I understand it the silt often carries pesticides and other chemicals which contaminate the water. The required buffers would have little impact, in my opinion, on agriculture because the areas where tractor paths are currently dirt could be grass without eliminating any growing area. I feel very strongly that the current status should be maintained.

Thanks

Dan Waugh

gregg culpeppwr
p. o. box 1
linville falls, NC 28647-0001
November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

gregg culpeppwr

John Hamrick
po box 923
ellenboro, NC 28040-0923
November 9, 2010
Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

John

Larry Cockrell

7324 Mine Shaft Rd

Raleigh, NC 27615-6029

November 9, 2010

Dear Adriene Weaver:

I support protection and management of our valuable trout streams and fishery in western North Carolina for all who enjoy trout fishing and for the boost trout fishing gives our economy. In this regard, I ask the Department of Environment and Natural Resources to keep Boylston Creek in Henderson and Transylvania Counties under the Classification of Class C Trout Waters. This classification provides an effective 25 foot buffer along both sides of the stream, which is an effective and economical way to maintain high water quality. The buffer rule does not limit private property rights or activities other than discharge of heated waste water and grading. Property owners can still farm, graze, mow, harvest trees, hunt, fish, and maintain their property as they choose. So, for these reasons, I support maintaining the trout water classification for Boylston Creek.

Sincerely,

Larry A. Cockrell

COMMENT

I BELIEVE THE TROUT WATER
DESIGNATION ALLOWS MOST
EXISTING PRACTICES TO
CONTINUE THEREFORE THE
POSITIVE IMPACT TO THE
CREEK WILL FAR OUTWEIGHT
THE PERCEIVED NEGATIVES.
THE CONTROL OF EROSION
WILL BENEFIT FUTURE GENERATIONS
FOR A SEEMINGLY SMALL EFFORT.

DAN WAUGH

Comment

We need to protect our trout
streams and water quality.
The people of Henderson County need
clean water to drink.
Farmers should be good stewards.
There need to be 100 ft buffers
I am a good steward of my
land with buffers.

Given that there has been an
increase in sediment & toxic substances
over the years that developments
have increased in this county, and
a 25 ft. buffer is very minimal (no
bigger than many of our living rooms),
why should we allow objections to
classification as a trout stream prevail
over the desire of most citizens to protect
the natural environment?

Comment:

While one understands the irritation of local property owners from perceived hostile government regulation and intervention, the testimony of the experts on the impacts of ^{cumulative} sedimentation ~~and~~ downstream and the huge costs to the public demonstrate the need for the classification that reduces costs for taxpayers!!

We are very upset by the description of sedimentation on spawning areas that affect the larger trout population. BUT: The fact that there is a species of concern in this particular stream/watershed intensifies this concern so that this ^{classification} is an imperative protective action

COMMENTS

AS A MEMBER OF EOD'S KIDNEYSTONE AND TEAM FOR THE PAST 5 YEARS, I HAVE WITNESSED THE PROBLEM THAT SILT IN THE STREAM IS CAUSING AND THE FACT THAT ONCE THE SILT ENTERS THE STREAM, IT IS VERY DIFFICULT FOR THE STREAM TO 'CLEANSE' ITSELF AS USUALLY WOULD WITH SILT COMPOUND THE PROBLEM. THIS REDUCES THE OXYGEN IN THE WATER, KILLING THE MACROINVERTEBRATE BUG POPULATION AND MAKING IT UNHABITABLE FOR FISH - ESPECIALLY NATIVE TROUT.

HAVING GROWN UP IN WYO IN THE 50'S & 60'S WE ALWAYS TOOK ^{LOVED} THE CLEAN, FRESH WATER FOR GRANTED AS I AM SURE THOSE IN WNC HAVE, BUT WITH THE RAPID DEVELOPMENT OF BOTH AGRICULTURE AND POPULATION, THE IMPACT ON THE STREAMS CANNOT BE TAKEN FOR GRANTED. THE KEY ISSUE IS THAT IT IS MUCH EASIER TO PROTECT THE STREAMS EARLY THAN TO HAVE TO RECOVER FROM PROBLEMS AND TO PROVIDE BUFFERS SO THE STREAM HAVE A CHANCE TO HELP WITH THE CLEANING. LEE MCCALL

COMMENT

Boyleston Creek is borderline "impaired". Any relaxation of standards will probably tip the balance.

An example of problems and how to deal with them:

On Turnpike Road, the Church of the Holy Family owns several acres through which Boyleston Creek flows.

Over the last few years, they have been monitoring their riparian zone and with the assistance of the

Soil + Water Conservation District, have determined that ~34 tons/year of sediment have been eroding from poorly vegetated banks.

Working with SWCD they have developed a streambank restoration ~~plan~~ and buffer enhancement plan to be begun shortly.

They understand the importance of healthy streams and are willing to do their part—even if it means loss of 30-50% of their nice lawn.

COMMENT

I'm a resident of Henderson County. I'd like to see the water quality of Boyleston

Creek protected as much as possible; i.e., protected from damaging erosion & sedimentation as well as livestock pollution. If ~~the~~ ^{the stream} ~~land~~ is not cleared to ~~the~~ ^{along the stream} banks—

if a reasonable-sized ^{with shrubs} vegetative buffer is well maintained, that should ^{+ allowed to grow} ~~improve~~ ^{protect} water quality and hopefully not hurt the farmers using land ~~along~~ ^{adjacent to} the stream.

Thank you

I'd like to see a win-win solution to this issue. Susan Harris

Comment

The large development ^(1,000 acres) cited
in the Q + A

is the reason for the need for
Classification

the overturn of the Classification
provides a generous loophole and →

property rights plea sheet would
be exploited by high priced
attorneys and spur adverse
impacts in all categories.

The main thrust of Sen. Snow's comments seems to be that for 40 years existing regulation has been sufficient to maintain creek water quality. However, land use in the rapidly developing Asheville metro area is changing drastically. In many parts of our counties, what was once field and forest is being cleared and developed. The health of our streams and creeks which feed the French Broad is

essential to the quality of ~~our life~~
all our lives.

Why are we not willing to be pro-active
and think about protecting what we
treasure for the next 40 years and
beyond?

Comment

It seems to me that having property along a designated trout stream should be a desirable situation since it would enhance the value of the property.

If trout streams are not protected, it is inevitable that over time, streams will degrade through development and ^{land} clearing so that trout cannot survive, thereby resulting in a real loss to those living along the stream forever.

Comment for re-classification of Boyleston Creek

I support the science and requirements of the NC Div. Water Quality to re-classify Boyleston Creek to Trout Water. I do not support the NC Legislature in its efforts to reverse this procedure, unless in case of extreme or obvious disregard for the regulations now in place. Mary Jo Padgett

COMMENT

I suppose the designation of
Boyleston Creek as a Trout water.

May Beth Hayes

Hendersonville

COMMENT

Chemical analysis of Boyleston Creek over the past twenty years demonstrates increasing sedimentation problems due to development in the area. Brook trout is an essential part of our natural heritage. It's a valuable part of our community heritage but also of our local economy. Billions of dollars come into WNC because of trout fishing, and is so much more valuable abutting trout streams, vs. abutting dead streams, which is what will occur should sediment continue to be allowed to take its course.

For many years Americans fought to protect their streams from the pollution problems we've faced. That's why we have a Clean Water Act. And that's we need to uphold it.

David Wentraub
642-0385

Comment:

As a resident of Mills River for more than 22 years I want the state to designate Boyleston Creek according to the Clean Water Act and the stream's present condition. I understand the need to educate residents on this classification and the state should take comments into consideration, however the decision should be based on science, not based on the popularity or unpopularity of the designation. The stream buffers are not at all unreasonable and should be put in place to protect the water quality, cold water temperatures, trout and aquatic organisms. In fact, the DWQ should be more stringent in protecting all our streams preventing erosion sediment and other pollution. jahmetz@bellsouth.net

Comment:

I am a landowner and farmer on Boyleston Creek. I am in favor of classification of the creek as Class C-Trout. It increases the value of my property, and secures the quality of the creek for future generations.

Paul Ahrens

Boylston is
a trout stream.

In the headwaters
native plants can be
found that are
rapidly losing their
environment, also. Jenae
Bounds

10/11/00

THANSTON
COUNTY

COMMENT

INCREASING THE LEVEL OF PROTECT-
ION FOR BOYLSTON CR. & OTHER TROUT

STREAMS ONLY ADDS TO THE PROTECTION
OF ALL OUR STREAMS/RIVERS IN HENDER-
SON COUNTY. WE ALL WANT TO HAVE
CLEAN WATER TO DRINK. OUR STREAMS
MOVE TOWARD THE FR. BROAD RIVER
WHICH MIGHT BECOME A SOURCE OF
DRINKING WATER FOR HENDERSONVILLE &
THESE STREAMS AFFECT OUR GROUND WATER
FOR OUR WELLS IN THE COUNTY.

The protection of
of trout streams in
our region is an
asset that the
law protects. Please
uphold the state's
recommendation to classify

JEAN A. RAYMOND.

P.O. BOX 174, DANA, NC 28724

COMMENT

I support maintaining Boylston Creek as a Trout Stream. I do not want to see it reclassified. It seems to me that there are sufficient exceptions to allow land owners to do reasonable activities. The Trout Stream classification protects future generations by

ensuring compliance with DNR regulations while protecting property owners' rights.

Janet Allen

COMMENT

It was a good idea to reclassify BOYLSTON CREEK to Trout Waste status. This, we hope, will reduce the sedimentation of this location which has already occurred due mostly to adverse human activity. More pristine, high quality water is a benefit to the eco system and we who live here.

Mark Raymond
over

M. RAYMOND

P.O. Box 174

Dana, NC 28724

Comment:

It sets an unacceptable precedent for the state legislature to set aside a trout stream designation solely because of the displeasure of the property owners. By this logic, every person displeased by a particular state regulation would feel similarly entitled to ask for

an exception to any regulation. It is government where those who scream "private property" get to despoil the environment with impunity.

Mr. Snow, Mr. Guice, Ms. Justus, Shame on all of you! You have no principles on a matter that affects thousands of people.

Paula Bakula
657 Overton Hills Dr
Hendersonville, NC 28739

Monday, November 1, 2010

Adriene P. Weaver
Environmental Specialist
Division of Water Quality
NC Dept. of Environment and Natural Resources
512 N. Salisbury St.
Raleigh, NC 27604

Dear Ms. Weaver,

We attended the public meeting on the trout waters reclassification of Boyleston Creek held on October 26 at the Mills River Community Center. We did not speak at the time allotted for public comments at the end of the meeting.

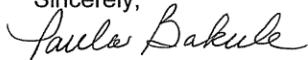
We are NOT part of the current loud and angry opposition to reclassifying Boyleston Creek as a protected trout waters. We believe that the DENR has properly followed all the current regulations and standards for identifying and classifying the creek as protected trout waters. We listened to the entire presentation given by all representatives of the DENR and believe that there is no way that property owners adjacent to the creek can claim that re-classification will cause hardship or loss of property value. On the contrary, it seems to us that re-classifying the creek and its watershed as protected trout waters would potentially increase the value of adjacent properties and would confer the additional benefit of protecting the native brown trout for the enjoyment of future generations. Apparently, these private property folks don't get the basic fact that all waters are connected and that a higher level of protection of their watershed confers additional benefits to the entire community downstream--or perhaps, with the typical narrow-minded understanding of these folks, they don't care about what happens downstream.

To us, the argument that this is "private property" and that state re-classification of the waters to trout protected amounts to state seizure of private property is spurious and laughable. To say that the current owners are taking care of the creek and that this justifies not re-classifying it begs the question. Failure to re-classify simply ignores the fact that property on the creek can be sold at any time to any one and that future owners will certainly not have a legal obligation to protect the creek in any way beyond the minimum standards now set forth for Class C streams.

In addition, it seems to us that allowing local opposition to overcome clearly followed state regulations concerning the re-classification of the creek demonstrates to the general public that North Carolina regulations for protection of the environment can be circumvented and manipulated merely at the displeasure of private citizens affected by the regulations. The introduction of a special law in the state legislature to overcome the trout waters reclassification of Boyleston Creek is a misuse of the legislative process; such a maneuver serves to increase public distrust of our government by sending the clear message that rules and regulations for environmental protection of all can be circumvented by the few who scream the loudest.

We sincerely hope that the re-classification goes ahead and that the people affected most directly wake up to the benefits of having a protected trout stream on their property and get over their reactive fear of new information and new ways of relating to the natural world.

Sincerely,



Paula Bakule



Ron Bakule

Address: 657 Overton Hills Drive, Hendersonville, NC 28739

November 2, 2010

Mrs Adriene Weaver
NCDENR, Division of Water Quality
Classification + Standard Unit
512 N. Salisbury St.
Raleigh, NC 27604

Dear Mrs Weaver:

The upper portion of Boylston Creek, with its native trout population, needs a Class C trout tributary classification to protect it from sediment and chemical run off. Twenty-five foot buffers will ensure that the stream remains healthy, the trout will not be harmed, and the value of the land adjoining the stream can be enhanced.

Please preserve the Class C classification for Boylston Creek.

Sincerely yours,

Frances T. Jones
828-696-2730
PO Box 1438
Flat Rock NC
28731

sent to TT, 10/29/10 for publication on 11/1/10

Dear Editor:

THE BOILING BOYLSTON

Tuesday night's meeting on the Boylston Creek Trout Waters reclassification showed the strength of the private property rights issue when it collides with a public good like environmental protection, especially coming as it did just before an election in a time when people are beset with economic uncertainties and an anti-government, anti-regulation wave of propaganda.

The representatives from Divisions of Water Quality and Land Resources did a far better job than in past meetings, but failed to make clear that, under the federal Clean Water Act they are obligated to classify waters according to their existing quality. Having found reproducing trout in Boylston Creek they had no choice but to reclassify it as Trout Waters. These state employees are not bureaucrats making up rules on their own. These are public servants obeying the existing laws of our state and nation. I think it finally became clear that the Sedimentation Pollution Control Act that calls for the 25 foot "undisturbed" buffer on Trout Waters was an act of our elected legislators, not rule-making by unelected bureaucrats.

As the head of the Div. of Water Quality observed, the issue is really about property rights and whether the required 25 ft buffer regulations are a "taking" of property under our constitution. The same arguments apply to zoning, and so far our courts have ruled that restrictions of this sort, that do not eliminate all beneficial use of a property, are not "takings" that require compensation.

There will always be the tension between the public and the private "welfare". To our eternal benefit, in my opinion, our founders and our constitution recognized that there would be situations where the public good outweighed private interests. For myself, an every-man-for-himself and the rest of society be damned is not the sort of caring community in which I want to live. A government based on laws which we all agree to obey, made by our own elected representatives, is what we require in order to be able to live together in an increasingly complex society.

Sincerely, Bill Thomas, Cedar Mountain

From: GARDNER, CAROL [CGARDNER@uscupstate.edu]
Sent: Thursday, October 28, 2010 3:31 PM
To: Weaver, Adriene
Subject: My thoughts

Adrience,

After attending both meetings yesterday on the Boylston Creek Reclassification, and receiving your email about the current status of the North Fork of the French Broad (on which I live), I wanted to share with you my thoughts.

First, since evidently I've been living on a C Tr stream for a while with no adverse restrictions, I don't understand the anger. Maybe I didn't have input into the classification, but as a property owner, I'm able to do everything I want to do with my land within the C Tr restrictions. If I own the stream, I don't feel proprietary about it and appreciate the state's protections of it since I'm affected by folks upstream just as folks downstream are affected by me. I try to be a good steward of the waters and appreciate the state's help in this effort.

I'm guided through my ignorance of regulations by the "reasonable man standard" application to my actions. Surely, if I'm acting as a reasonable person, regulations and laws won't get in the way. I guess we don't agree on "reasonable" as much as we used to as a country.

I know this doesn't apply to the Boylston Creek issue since I'm not a property owner there, but if you wish to include it in the comments section of your report, please do. I'm just glad I don't have to prepare the report!

Carol Gardner
Balsam Grove

James H. Gailey

401 Robin Hood Rd.
Brevard, NC 28712-9820
(828) 884-8708
jgaia@comporium.net
November 4 2010

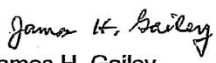
Adriene Weaver
NCDENR Division of Water Quality
Classification and Standards Unit
512 N. Salisbury Street
Raleigh, NC 27604

Dear Ms. Weaver:

I have no special interest in writing to urge the designation of trout waters, but the principle of managing our land and waters -- and air -- for the least harm to our heritage.

Please maintain set back restrictions on Boylston Creek as proposed.

Sincerely,


James H. Gailey

1212 Chanteloup Drive
Hendersonville, N.C. 28739


Adrienne Weaver
NCDENR Division of Water Quality
Classification and Standards Unit
512 N. Salisbury Street
Raleigh, N.C. 27604

Ms. Weaver,

Since I was not able to attend the public meeting on Tuesday, I would like for you to know that I believe Boylston Creek needs the Trout water classification in order to preserve this important waterway as a trout stream. Without the classification there is a significantly higher risk of sedimentation and chemical runoff being introduced into the stream, thereby decreasing the likelihood of trout sustainability in Boylston Creek.

Thank you for your attention to this important matter to protect Henderson County and its waterways.

Sincerely,


Anne Ulinski